



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

OCTOBER 1, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at 7:00 p.m. on **Wednesday, October 1, 2008**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

5:45 p.m. WORK SESSION (suite 250)

7:00 p.m. BUSINESS MEETING (suite 300)

1.0 WELCOME/ACKNOWLEDGEMENTS – Chairman

2.0 CITIZEN COMMENTS

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)

3.0 PUBLIC HEARINGS

3.1 There are no public hearings on the agenda.

4.0 ACTION ITEMS

4.1 The Planning Commission will take action on a request for a zone change from RR-1-43 Rural Residential to RR-1-21 Rural Residential as requested by Allen Nielsen. The property is located at 2249 E. 7800 S.

4.2 The Planning Commission will take action on a request to extend the application for a Flag Lot known as Cabco Flag Lot Subdivision for one year. The original application was approved by the Planning Commission on May 16, 2007. The Property is located at 3509 East Big Cottonwood Canyon Road.

4.3 The Planning Commission will discuss and take action on establishing regularly scheduled dates for General Plan Amendments.

4.4 The Planning Commission will take action on proposed amendments to the Mixed-Use Zone (19.36) for the addition of a conditional use for, and regulation of, Urban Mixed-use Self-storage facilities as requested by Jim Kane.

5.0 DISCUSSION ITEMS

5.1 The Planning Commission will discuss an update from staff on the status of the resubmission of plans for the PUD known as Avalon Point. This property is located at 8420 S. Wasatch Blvd.

5.2 The Planning Commission will discuss the proposed extensions to the Gateway Overlay District.

6.0 PLANNING DIRECTOR'S REPORT

7.0 APPROVAL OF MINUTES

7.1 June 18, 2008

7.2 July 2, 2008

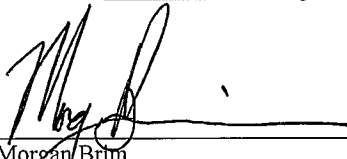
7.3 July 16, 2008

7.4 August 6, 2008

7.5 September 17, 2008

8.0 ADJOURNMENT

On Friday, September 26, 2008, at 4:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at www.cottonwoodheights.utah.gov


Morgan Brim
Planning Technician



Item 2 – CITIZEN COMMENT

Issue: _____

Comments:

Issue: _____

Comments:

Issue: _____

Comments:



Item 4.1: Zone Change Request – Cottonwood Heights Overlook Phase II

File Name:	08-044—Cottonwood Heights Overlook Phase II Zone Change
Application Received:	June 30, 2008
Meeting Date:	October 1, 2008
Public Hearing Date:	September 3, 2008
County parcel Number:	2234126019
Location:	2249 E. 7800 South
Development Area:	2.0 Acres
Request:	Zone change from RR-1-43 to RR-1-21
Owner/Applicant:	Marvin and Rhea Zitting
Agent:	Allen Nielson
Staff:	Greg Platt, Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: RR-1-43 (19.17), RR-1-21 (19.20), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a zone change for a property located at 2249 E. 7800 South from RR-1-43 Rural Residential to RR-1-21 Rural Residential. The general plan designation for the property is Residential Rural Density.

Neighborhood/Public Position on the Request

At the time of this staff report, staff has received comments with regard to the requested zone change. All public input received by staff was presented to the planning commission at the time of the public hearing on the request on 3 September 2008. Public comment was also taken on the request at said hearing, and the hearing for the request was closed on 3 September 2008. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 1000 feet of the applicant's property at least 10

days prior to the public hearing. Additionally, a sign was posted on the lot with the date, time, and purpose of the public hearing.

Staff Observations and Position on the Request

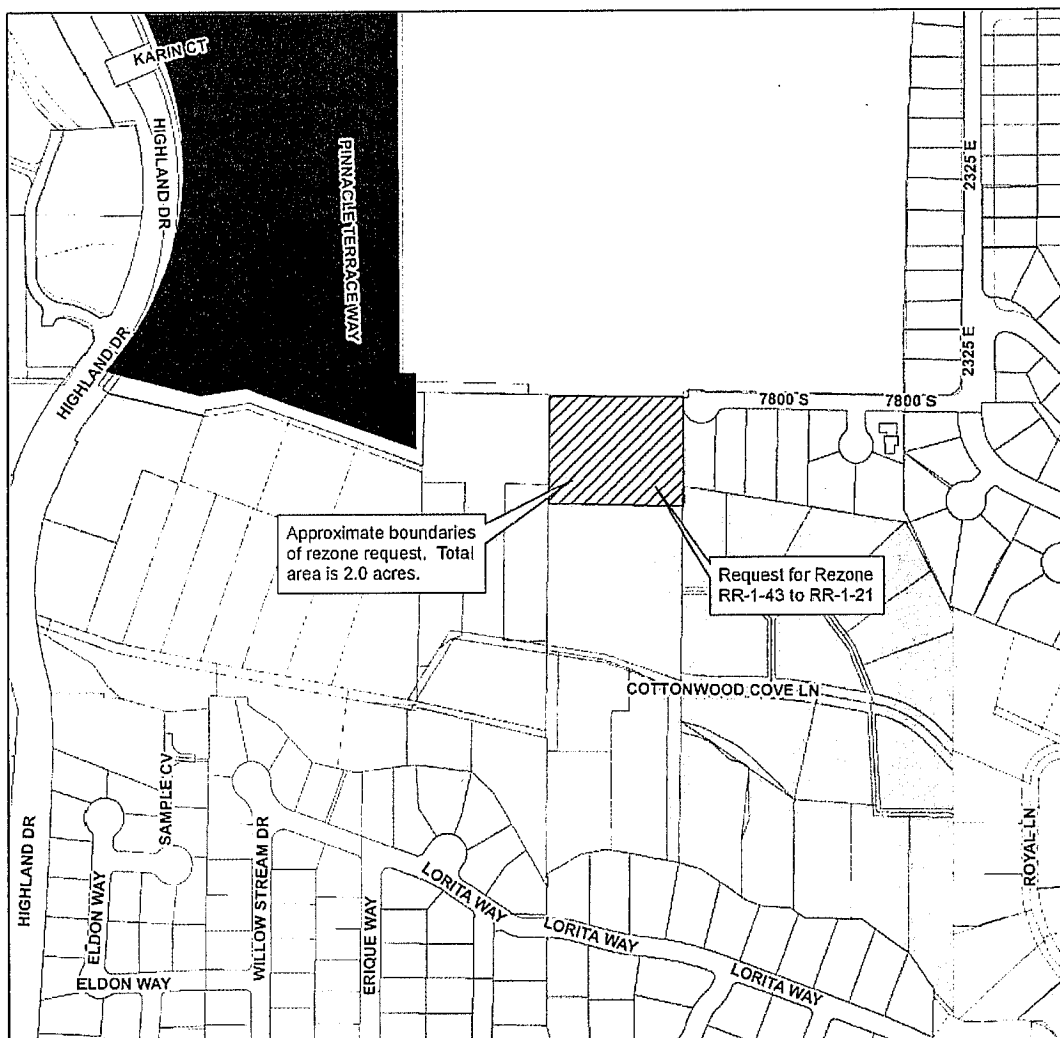
Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees.

Site Layout

The property is located on at the end of 7800 South, on the south side of Brighton High School. This is one piece of a lot that was recently subdivided. The original lot was a total of 5.0 acres. The south of the original lot has been divided into three one-acre lots which have access onto Cottonwood Cove Lane. The remaining parcel is currently a single parcel of two acres. This parcel is located at the top of a precipice which overlooks the other three parcels. Access onto this parcel is from 7800 South, and cannot be accessed from the south due to the steep incline of the hill. A vertical separation of approximately 150 feet exists between the Cottonwood Cove Lane parcel and the 7800 South parcel, which is being considered for a zone change.



Zoning and General Plan

The current zone for the property is RR-1-43, which is a rural residential zone and allows for lots of one acre or greater in area. The request is to change the zone from RR-1-43 to RR-1-21. This zone is also a rural residential zone, but it allows for lots as small as one-half acre. Other residential properties on top of the hill are zoned R-1-8, which allows for lots as small as 8,000 square feet or approximately 0.18 acre. The reason this lot is not zoned the same as adjacent lots, presumably, is because it was formerly part of another lot. The former lot fell primarily at the bottom of the hill. Thus, it was more appropriate for the lot to be zoned according to the lots surrounding it at the lower level. Now that the lot has been subdivided, the portion that remains at the top of the hill may more appropriately be zoned similarly to those lots with a similar situation. The general plan designation for the subject property is Rural Residential. A change to an R-1-8 zone, while possibly appropriate, would require a change to the general plan as well. Therefore, in staff's opinion, a rezone to RR-1-21 would be appropriate to more closely fit the adjacent properties, and still meet the intent of the general plan.

One of the stated objectives of the general plan is to "minimize capital improvement costs by encouraging new development to occur near similar developments" (Chapter 2, goal 3). It also states that "The City is interested in ensuring a harmony of land uses, and maintaining existing densities and land use patterns" (community vision statement). In staff's opinion, if the proposed zone change were allowed, the City could encourage similarity of development on this parcel to adjacent parcels, and maintain the existing land use pattern, while still allowing for reasonable development.

Potential Future Uses

It is staff's understanding at the time of the staff report that the applicant wishes to further subdivide the two acre lot into four (4) one-half acre lots. Under the requested zoning, this would be the maximum intensity of land use allowed.

Other uses available to a property owner in the RR-1-21 zone are:

1. Accessory uses and buildings customarily incidental to permitted uses;
2. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations;
3. Home occupations;
4. Home day care/preschool;
5. Household pets;
6. Bed and Breakfast;
7. Cemetery;
8. Day care/preschool center;
9. Dwelling Group;
10. Fruit/Vegetable stand of products produced on-premise;
11. Golf Course;
12. Residential facility for elderly persons;
13. Milk processing and sale (50% produced on site);
14. Nursery and/or greenhouse, excluding retail sales;
15. Nursing home;
16. Pigeons, subject to health department regulations;
17. Planned Unit Development;
18. Plant for storage or packing of fruits or vegetables produced on the premises;
19. Private educational institution, similar to public schools;

20. Private non-profit recreational grounds and facilities;
21. Public and quasi-public uses;
22. Radio and television transmitting and relay tower, excluding studio;
23. Residential health care facility;
24. Sportsman's Kennel (minimum lot 1 acre);
25. Temporary buildings for construction work.

The outlined uses above are identical to those found in the RR-1-43 zone. Changing the zone from RR-1-43 to RR-1-21 would change only the minimum lot size, not the potential uses of the property.

Traffic Impact

Brad Gilson, the City Engineer, has reviewed the plat and given the opinion that traffic generation of the four lots is minimal and added traffic falls well below the capacity of the existing streets. As expressed during the public hearing, traffic issues are of great concern to the neighborhood. However, it is staff's opinion that traffic problems which occur in this neighborhood are reflective of the use present in the neighborhood (the High School) and are not due to residential properties. The expected impact of traffic by this development is less than 1% of current traffic flows, and disapproving the rezone request or subsequent development requests will not solve current traffic issues nor prevent future problems. Furthermore, the City Engineer indicated that some traffic calming measures have already been applied to the neighboring streets, and that more traffic calming solutions are currently being studied along Nantucket Dr. to address resident concerns.

Geology

The location of the parcel on the precipice and the nature of the soils are of some concern to development on this site. The staff is aware of potential problems, and any development of the site will require the submission of appropriate geological studies and reports during the building process, as well as review by the City Engineer and City Geologist.

Recommendation

Based upon the staff observations and the consistency with the general plan, staff is recommending **approval** of a request for zone change from RR-1-43 to RR-1-21. Staff feels that the requested zoning places the parcel on more equal ground with the adjacent lots while maintaining the intent of the general plan. Staff believes that the existing incline which separates this northern lot from the other subdivided lots creates a logical division between land uses. The lots at the bottom of the hill should and do fit with the surrounding lots. The lot remaining at the top of the hill has substantially different requirements from the adjacent residential lots with zoning of R-1-8, because of the more restrictive requirements in the RR-1-43 zone. Staff feels a change to RR-1-21 would bring the size requirements for lots on this parcel more in line with the requirements for other lots similarly situated. Also, staff feels that this development furthers the objectives of the general plan by allowing developments which are consistent with existing land use patterns of adjoining lots with similar conditions.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – RR-1-43: Chapter 19.17

Zoning – RR-1-21: Chapter 19.20

Amendments and Rezoning: Chapter 19.90
Cottonwood Heights General Plan Land Use Map

Staff Contact:

Greg Platt Planner
Telephone: 944-7067
Fax: 545-4150
Cell: 502-5004
E-mail gplatt@cottonwoodheights.utah.gov

List of Attachments:

1. Notice Sent to Property Owners within 1000'
2. Map of the property
3. Topographic Map
4. General Plan Map

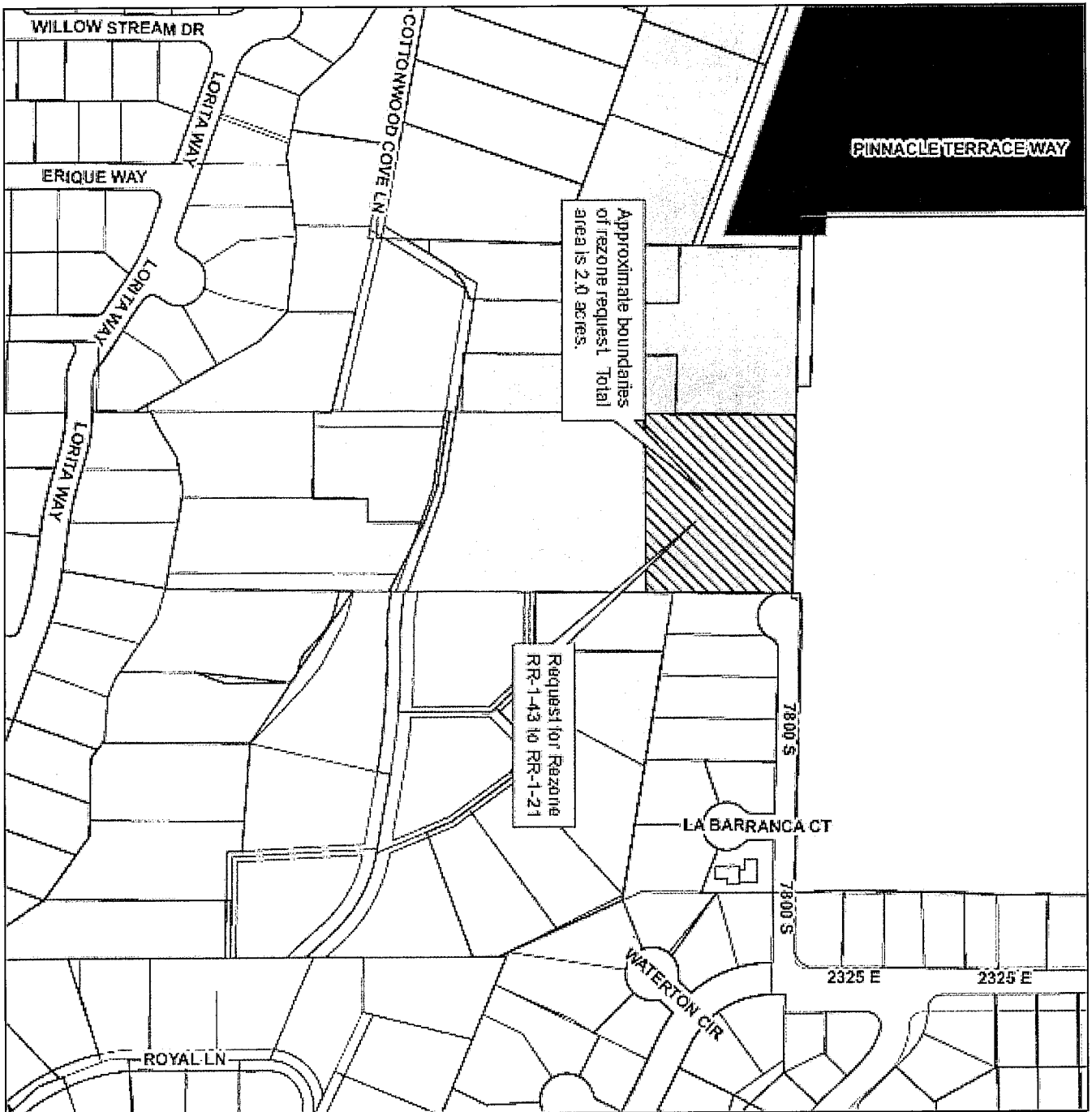


COTTONWOOD HEIGHTS
NOTICE OF PUBLIC HEARING
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on September 3, 2008, to receive public comment on a request by Allen Nielson to rezone approximately 2.0 acres of property located at 2249 East 7800 South, Cottonwood Heights, Utah, from RR-1-43 to RR-1-21.

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Greg Platt at 944-7000.

Attest: Linda Dunlavy
City Recorder



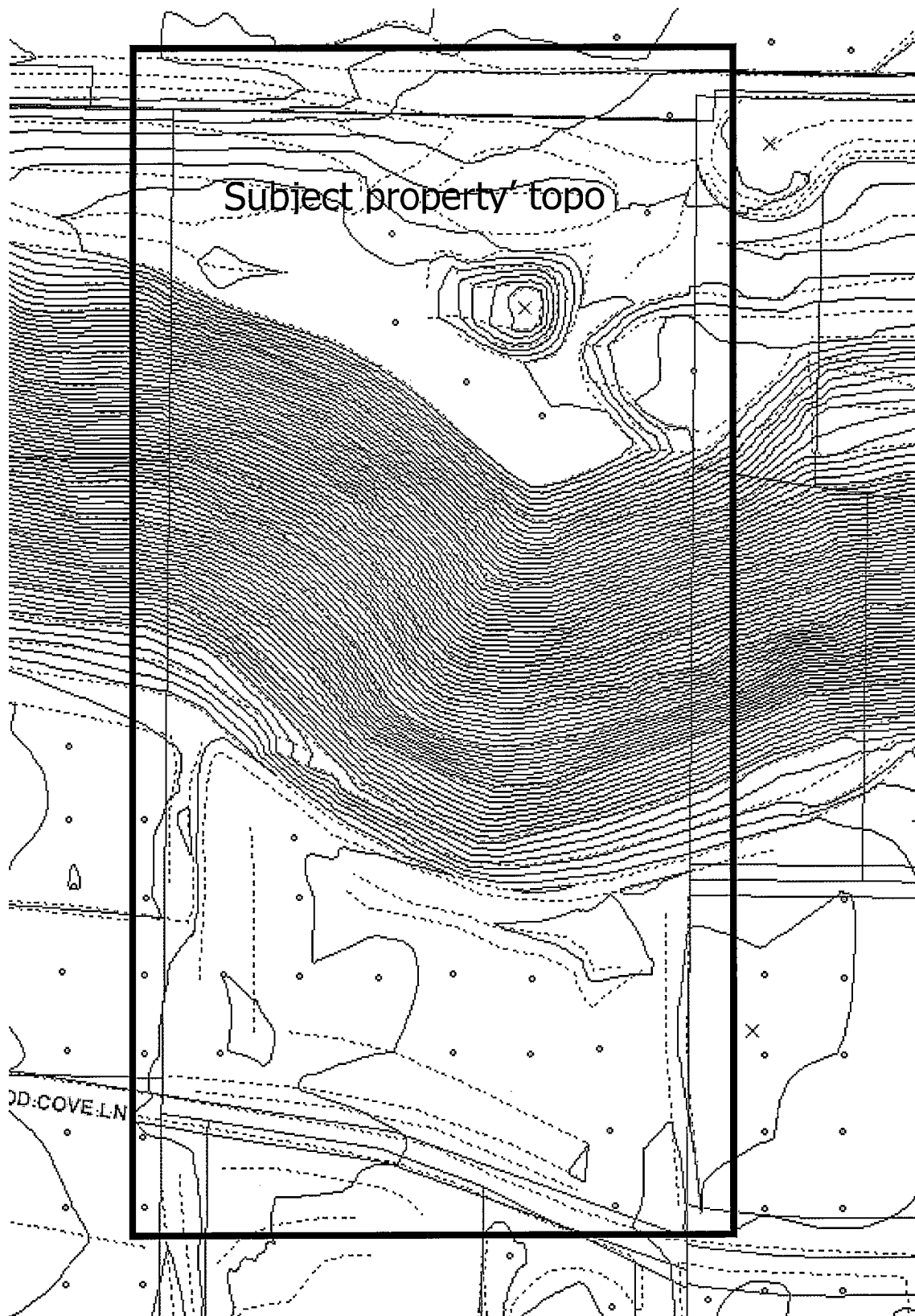
Request for Rezoning RR-1.43 to RR-1.21

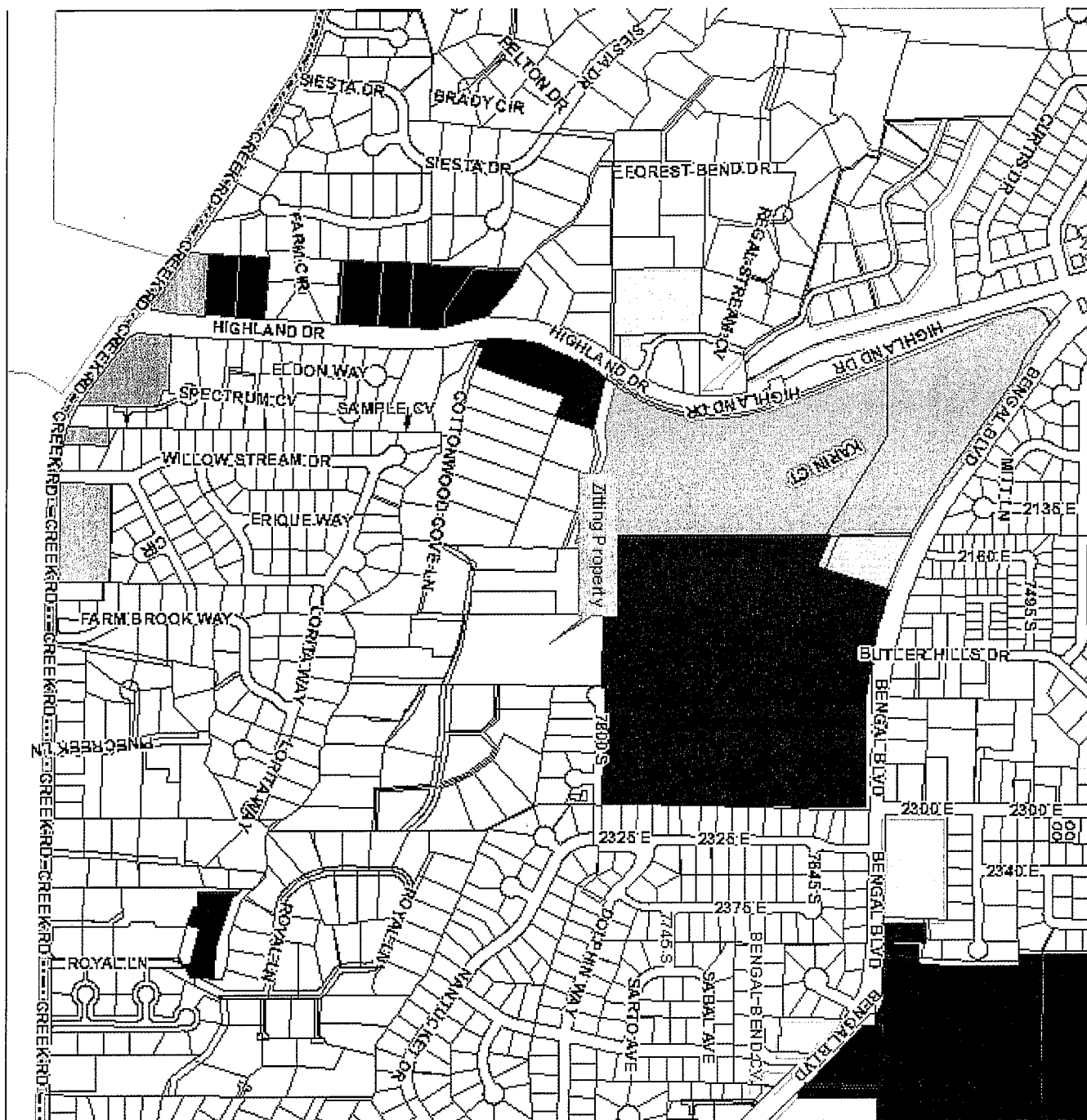
Zoning	
CR	RR-1.43
NC	R-1-6
ORD	R-1-6
RO	R-1-10
PF	R-1-15
RM	R-2-8
RR-1.21	F-1-21
RR-1.29	F-1.43
	F-20

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 545-4154



Published:
August 18, 2008





Request for Rezone RR-1-43 to RR-1-2-1

General Plan

- Civic
- Religious
- Utility
- Office/R-D
- Residential Office
- Commercial
- Mixed Use
- Neighborhood Commercial
- Residential High Density
- Residential Med Density
- Residential Low Density
- Residential Rural Density
- Open Space
- Sensitive Lands

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 545-4154



Published:
August 18, 2008



Item 4.2: Application Extension Request – Cabco Flag Lot Subdivision

File Name:	07-008 Cabco Flag Lot
Application Received:	September 23, 2008
Meeting Date:	October 1, 2008
Location:	3509 East Big Cottonwood Canyon Road
Request:	Extend application for one year
Agent:	Adam Mather
Staff:	Greg Platt, Planner

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 901-545-4150

Memorandum

To: Planning Commission
From: Greg Platt
Date: September 23, 2008
Subject: Extension of application for a Flag Lot

Staff has received a request from Adam Maher to extend the application for a Flag Lot known as Cabco Flag Lot Subdivision, file number 07-008, for the period of one year. The original application was approved by the Planning Commission on May 16, 2007. After little progress, staff sent a letter warning the applicant of the stagnation and possible expiration of the application in August of 2008. Mr. Maher submitted an application for extension with a letter explaining the request. The letter stated as follows:

September 23, 2008

To Whom It May Concern:

We request an extension of the subdivision approval to provide the time necessary to coordinate with the various entities that have imposed restrictions and conditions on the development of the lots. The Salt Lake Valley Health Dept has give preliminary approval of the subdivision but we have experience several delays with regards to the percolation tests and the subcontracting company Gordon Spiker Huber. In addition to the SLVHD we have also had to coordinate with the Public Utilities Department on the extension of a waterline and have experienced a great deal of administrative 'red tape'. We feel we would be able to move ahead by mid spring of 2009 if we are given the extension.

Regards,

Adam Maher

Because this application was approved and was consistent with code and because city codes and regulations which apply to this project have not changed, staff sees no reason not to extend the approval of this application. Additionally, the applicant has shown that the finalization of this application is being pursued with the different entities affected by and involved with this application. Staff, therefore, recommends the extension of this application for a period of one year.



Item: 4.4 **Action Item:** Proposed Amendment to the Mixed Use Zoning Ordinance to Add Urban Mixed-Use Self-Storage as a Conditional Use with Regulations – Jim Kane, Applicant.

The application before you is one for an amendment to the entire MU zone within the City. The applicants are seeking to amend the code to allow a conditional use of Urban Mixed-Use Self Storage. The name may seem convoluted, but the product the applicant is proposing actually stands apart from other self-storage facilities and, I believe, that the applicant wants to change the definition of the product as well with the name.

The basic idea is that there is an apparent need for self-storage facilities for residents of the City. We have a total of two self-storage facilities, or storage units, in the City; one is fairly new (Union Park), being built in 2005 and the other (2300 E. Ft. Union) is quite a bit older. Both units mentioned here are single use facilities.

The target area for the use of the Urban Mixed-Use Self-Storage is the MU zone, but more specifically the gateway overlay zone. Being that the gateway overlay zone is a sensitive area due to the City's desire to produce a high quality and aesthetic entrance to the City, the proposal for this use has faced much scrutiny already by staff and the ARC. In working with the ARC and the applicant, we were able to take the applicants proposed language for the regulation and work with it to make it work in Cottonwood Heights.

One of the major points of discussion with the ARC and staff centered on aesthetics. We were concerned that it would be hard to regulate the proposed use to fit in with the gateway overlay zone as opposed to other more industrial areas of the City. In the end, we were able to produce a document that is recommended to you by the ARC and staff as being what will make the difference in regulating this use in the gateway overlay zone.

The proposed ordinance change is broken down in the following manner:

1. Definition. This section sets out how the Urban Mixed-Use Self Storage is different in form and function, to some degree, than the traditional storage unit buildings.
2. Regulation.
 - a. The regulations are part of the ordinance and therefore required of any developer of a self-storage facility in the City. In addition, the use of Urban Mixed-Use Self-Storage is a conditional use and therefore the Planning Commission has more leeway to attach conditions that will mitigate potential detrimental effects of the proposed use.
 - b. The ordinance clearly illustrates the concept of "mixed-use" and requires that storage units be brought up to a standard that will mask the light industrial nature of the primary use through aesthetic control.
 - c. The bulk of the regulation focuses on aesthetic controls and making the project look as though it were a residential multi-family building or office building. The regulation also

address landscaping, screening, four sided architectural elements, and the specific appearance of the building with the proposed materials.

- d. Regulations also limit the ability the owner/operator has to operate incompatible uses on the property as the secondary use. For example, moving truck rental operations would be prohibited on an Urban Mixed-Use Self-Storage property. In addition, outside storage would be strictly prohibited.
- e. Signage. The signage for the use has been limited to reduce concerns that building will be signed similar to warehouse buildings. With the restrictions, signage on new mixed-use self storage buildings should be consistent with other retail and office uses.

With the aesthetic, place and use controls being proposed here I believe the addition of the Urban Mixed-Use Self-Storage as a conditional use in the MU zone will not be detrimental to the goals of the gateway overlay zone, which are to:

1. Preserve the quality of life and existing image of the City.
2. Enhance the sense of arrival into the City by upgrading the design standards and development character at major entry points and to establish a positive first impression of the City and facilitate access into the downtown core.
3. Establish a definable urban edge and transition between the urbanized community and its residential setting.
4. Encourage pedestrian activities in key areas through pedestrian scale developments.
5. Promote development strategies in which buildings, landscaping, and innovative architectural design become the prominent focus of developments in the gateway zones.

This item is scheduled for action and staff recommends that the planning commission review the changes to the proposed language of the mixed-use self-storage facilities regulations and forward a recommendation of approval to the City Council.

URBAN MIXED-USE SELF-STORAGE

A. Urban mixed-use self-storage in this title shall be defined as a single building containing more than the primary land use of self-storage, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. An urban mixed-use self-storage facility is intended to be used for a mix of uses between the primary use of a private noncommercial, non-industrial storage facility and general, professional office, medical, dental offices, retail or residential dwelling units.

1. Urban mixed-use self-storage shall be a conditional use in the MU and ORD zoning districts and shall be reviewed by the architecture review commission. The architecture review commission shall make a recommendation regarding the proposed mixed-use self-storage facility to the planning commission.

2. The following criteria shall be considered by the architecture review commission and the planning commission when reviewing conditional use requests for mixed-use self-storage facilities:

(a) It is the intent of this section that the second principal use shall be distinct from and unrelated to and not an accessory of the self-storage facility.

(b) A minimum of 1,500 square feet or 10% of the ground floor area of the principal use of self-storage, whichever is greatest, shall be devoted to at least one additional principal use. The additional principal use may be either general, professional office, medical, dental offices, retail or residential dwelling units or an appropriate mix of any or all of the above uses.

(c) Detailed building elevations and color/material boards shall be submitted for review to the architecture review commission prior to any consideration of a conditional use permit for a mixed-use self-storage facility by the planning commission.

(d) Exterior building material must be approved by the architecture review commission and shall match the quality, texture and architectural intent of surrounding buildings and the intent and regulations of the gateway overlay zone design guidelines.

(e) Urban mixed-use self-storage buildings shall have a minimum of 15% transparency on all floors which shall consist of functioning windows that provide visibility into a room from the public right-of-way or adjacent property and out of a room from the interior.

(f) All building facades shall have the appearance of an office, residential and/or retail building through the use of doors, windows, awnings, and other appropriate building elements as approved by the city's architecture review commission.

(g) Self-storage buildings that can accommodate two or more stories shall be designed to have the appearance and function of a multi-story building through the use of windows, doors, awnings, canopies and other appropriate building elements.

(h) Urban mixed-use self-storage facilities shall be designed with the intent that the front façade of the building, visible from the public right of way, shall have ample bulk and massing to address the mitigation of the potential aesthetic impact of the primary use.

(i) External unit doors must be screened from neighboring land uses to an extent determined appropriate by the architecture review commission based on the potential impact to surrounding land uses.

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(j) Signage. Mixed-use self-storage facilities signage is conditional upon the applicant meeting the regulations contained herein and in other pertinent chapters of this title. Signage in mixed-use self-storage facilities shall be limited to wall, monument and projecting signs as outlined below.

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1. Wall signs for mixed-use self-storage facilities are:

- a. Limited to one sign per individual use for each building facade which fronts on public streets.
- b. Limited to no more than 10% of the building's facade for each use and shall not exceed six feet in overall height for each individual sign.
- c. Limited to individual pan-channel lettering only. Cabinet signs shall not be permitted.

2. Monument signs for groups in the mixed-use self-storage facilities are:

- a. Limited to one sign per each building facade which fronts on a public street.
- b. Limited to a total of forty-eight (48) square feet of signable area and shall be no taller than six feet in height, including the pedestal.

3. Projecting signs for mixed-use self-storage facilities may be used on lieu of a wall sign and are:

- a. Limited to no more than 10% of the buildings facade for each individual use and shall maintain a clearance of at least eight (8) feet from the adjacent sidewalk and no more than eighteen (18) feet.

4. The ARC shall review proposed signage plans for mixed-use self-storage facilities and shall make a recommendation to the planning commission on the design compliance of the signage as it related to:

- a. consistency with existing signage in the district where the facility is located.
- b. consistency with the design intent of the facility as it relates to materials, colors and placement on buildings and in landscaped areas.

(k) No resident manager apartment shall be allowed in mixed-use self-storage facilities unless 50% of secondary uses are residential.

(l) No outside storage of vehicles, boats, motor homes, RVs or any other materials or equipment shall be allowed at any mixed-use self-storage facility.

(m) Commercial moving truck rentals shall be prohibited at mixed-use self-storage facilities. A mixed-use self-storage facility shall be allowed to have no more than two private moving trucks owned and operated by the facility and available to the renters of units within the facility only. Moving trucks meeting the above regulation shall be required to be stored out of sight of the public right of way.

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Item 5.1: Status of resubmission of plans for Avalon Point PUD

File Name:	08-030 Avalon Point PUD
Application Received:	September 23, 2008
Meeting Date:	March 14, 2008
Location:	8420 S. Wasatch Blvd.
Request:	Conditional Use Permit for PUD
Agent:	Jaime Adams
Staff:	Greg Platt, Planner

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 901-545-4150

Memorandum

To: Planning Commission

From: Greg Platt

Date: September 25, 2008

Subject: Status of resubmission of plans for Avalon Point PUD.

At the time of this staff report, staff has received no updated plans from Mr. Adams or his agents for Avalon Point PUD. At the regularly scheduled planning commission meeting held on September 17, the following motion was made with regard to the application:

Commissioner Haymore moved that the item be tabled and the applicant given an opportunity to come forward with a lot density of less than 17. If they do not do so within two weeks, the current proposed PUD will be denied.

The motion was seconded by Commissioner Rosevear, and passed unanimously with one abstention by Chair Nicholl.

As the motion was to allow for the resubmission of plans within two weeks, the deadline for that submission falls on the same day as the planning commission meeting for which this staff report is prepared. As staff has not yet received updated plans at the time of this memo, an update will be given on the status of resubmission by the applicant at the meeting on October 1, 2008.

Should new plans be submitted by the deadline indicated, the staff will request time for review of the plans at the time of the meeting. As staff understands the motion, should no new plans be submitted by the deadline, the application will stand denied. Staff will update the planning commission at the meeting.

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, June 18, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chair
15 Geoff Armstrong
16 Perry Bolyard, Alternate
17 J. Thomas Bowen
18 JoAnn Frost
19 Jerri Harwell, Alternate
20 Doug Haymore
21 Amy Rosevear
22

City Staff:

Michael Black, Planning Director
Greg Platt, City Planner
Shane Topham, City Attorney
Morgan Brim, Planning Technician

23 **BUSINESS MEETING**

24
25 **1. WELCOME/ACKNOWLEDGEMENTS.**

26
27 Chairman Gordon Nicholl called the meeting to order at 7:01 p.m. Chair Nicholl stated that Jerri
28 Harwell would be leaving the Planning Commission and tonight's meeting would be her last. He
29 had personally worked with Commissioner Harwell for at least the last eight years on both the
30 community council and the Planning Commission. He had the greatest respect for Ms. Harwell
31 and her opinions and her dedication to the City and the citizens of Cottonwood Heights. He
32 personally thanked her for everything she has done. He thought the City owed her a great debt
33 of gratitude.
34

35 (19:02:12) Chair Nicholl introduced Brad Jorgenson who would be taking Ms. Harwell's place
36 on the Planning Commission. Mr. Jorgenson would sit with the Commission beginning the first
37 meeting in July.
38

39 **2. CITIZEN COMMENTS.**

40
41 There were no citizen comments.
42

43 **3. PUBLIC HEARINGS.**

44
45 No public hearings were scheduled.
46

1 **4. ACTION ITEMS.**

2
3 No action items were scheduled.

4
5 **5. DISCUSSION ITEMS**

6
7 Chair Nicholl reported that the discussion items were covered in the work meeting.

8
9 **6. PLANNING DIRECTOR'S REPORT.**

10
11 Planning Director, Michael Black, reported that Jerri Harwell would be invited back in the next
12 few weeks to be recognized by the Council. He stated that the Council likes to make
13 recognitions during their Council Meetings. Mr. Black agreed to inform the other Commission
14 Members of when the recognition will take place. He reported that Ms. Harwell's picture would
15 be taken and published in the newspaper.

16
17 **7. ADJOURNMENT.**

18
19 (19:03:45) *Commissioner Harwell moved to adjourn. Commissioner Frost seconded the*
20 *motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, Perry Bolyard-Aye,*
21 *J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Amy*
22 *Rosevear-Aye. The motion passed unanimously.*

23
24 The Planning Commission Meeting adjourned at 7:04 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, June 18, 2008.*

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7
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9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12
13 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, July 2, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 J. Thomas Bowen
17 JoAnn Frost
18 Doug Haymore
19 Brad Jorgenson, Alternate

20
21 **City Staff:**

22
23 Kevin Smith, Deputy City Manager
24 Greg Platt, City Planner
25 Morgan Brim, Planning Technician

26
27 **BUSINESS MEETING**

28
29 **1. WELCOME/ACKNOWLEDGEMENTS.**

30
31 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. and welcomed those in
32 attendance. He was happy to see so many people present who are interested in what is going on
33 in the community. Procedural issues were reviewed.

34
35 **2. CITIZEN COMMENTS.**

36
37 (19:03:05) Ken Nielsen asked whether with the energy crunch it was possible to synchronize
38 traffic lights. He remarked that he frequently finds himself in stop and go traffic. Chair Nicholl
39 stated that he had experienced the same thing. Mr. Nielsen stated that more gasoline is used in
40 stop and go traffic. Chair Nicholl's understanding was that Salt Lake City has a project currently
41 underway to synchronize the lights on 300 West and 400 West from 600 South to South Temple.
42 He hoped they could do it throughout the valley.

43
44 Commissioner Bowen stated that Deputy City Manager, Kevin Smith, might be able to help.
45 Mr. Smith stated that the City owns the 19 signals in the City. Salt Lake County has an
46 employee in the Public Works Department who spends all of his time trying to synchronize
lights. One of the challenges they have is that the signals are not connected to each other. They
hoped to get a fiber optic line to connect all of the signals together. They all work on clocks so
when a synchronization pattern is set, it can be set to one type of traffic flow. This year, there
was money budgeted to try to figure out a synchronization pattern for Fort Union Boulevard.
Traffic Engineering companies would be used to study the matter in detail and try to establish a
better signal pattern. There was also money in this year's budget for signal upgrades and trying

1 to get video detection instead of the loops in the road. Half of the City's signals still have wire
2 loops in the road and if a car is not sitting right on it, it will not be triggered. City staff was still
3 working through the details. Mr. Smith stated that there are 30,000 to 50,000 car trips per day on
4 Fort Union Boulevard. Staff's goal was to move cars through as quickly as possible.

5
6 (19:07:04) Bob Good gave his address as 7730 Quicksilver Drive. He commented that he, his
7 family, and their neighbors were very happy with the decision made by the County Council the
8 previous day to purchase the Wasatch Office property on Wasatch Boulevard. He realized there
9 was still a lot to be done in order to get the property developed as it should be.

10
11 Dale Chalmers gave his address as 2918 East Bridgewater Drive. He asked if the City currently
12 has a monster home ordinance. If not, he hoped to see one adopted.

13
14 Mayor Kelvyn Cullimore reported on the final resolution reached on the Wasatch Office
15 property. He stated that eight months ago the City begin a process of working with the County
16 and made application for funding from two County funds. They bonded to do open space
17 acquisition as well as parks and recreation projects. The open space funding was targeted
18 primarily to urban areas where open space is disappearing. The City felt the Wasatch Office
19 property fit that description quite well. Unfortunately, the committee did not totally agree with
20 the City and after a battle they finally got a positive referral from the committee. They also
21 worked with the Parks and Recreation Committee to obtain funding. The City was successful in
22 getting \$1 million from the Open Space Fund and \$2,375,000 from the Parks and Recreation
23 Bond Fund. The vote was unanimous to recommend to the County Council the acquisition of the
24 property. It was a unique opportunity because the County has never before done a project where
25 they combined the two funds for a dual purpose. Because part of the property will remain open
26 space, they felt the open space qualified. Since part of it will be a trailhead for the Bonneville
27 Shoreline Trail, they felt it fit with the Parks and Recreation Department goals as well. The
28 Mayor reported that the City was very fortunate in that they were willing to pay a premium price
29 for the property since what it was going to become was of concern. It was the County's decision
30 to rezone the property to commercial prior to the incorporation of the City that invested in it the
31 entitlements that made it so valuable. As the City representatives reminded the County of that,
32 they ultimately agreed that they had partial ownership in trying to correct the problem. On
33 Tuesday there was a final vote that was 6-to-1 in favor of proceeding with the acquisition of the
34 property.

35
36 (19:10:54) Mayor Cullimore reported that one of the things that was required to make it work
37 was for the City to step up and contribute the equivalent of \$1 million toward the project. The
38 City agreed to contribute \$175,000 toward the purchase and \$500,000 toward the site
39 development over time. The City will also be responsible for maintaining the property in
40 perpetuity. They looked at the total benefit to the community and the County as a whole. It was
41 truly a situation that required the expenditure of financial capital from the community as well as
42 political capital to bring people on board to approve the project. They worked hard and were
43 thrilled with the outcome. The property owners would be signing the documents in the next two
44 weeks to turn ownership of the property over. Technically, the County will own the property
45 although it may be deeded to the City for maintenance. That issue had not yet been resolved.

1 With regard to the development of the project, it was only yesterday that final approval was
2 obtained.

3
4 Chair Nicholl reported that recently he had the opportunity to speak with County Mayor Peter
5 Caroon and they discussed the issue. At that time, Mayor Caroon was very concerned that the
6 County was not going to be able to fulfill what he felt was their obligation on the property. For
7 that to take place, the political capital extended to the County Council had to have been
8 extraordinary. Mayor Cullimore was thanked for his efforts. The Mayor stated that the City was
9 very fortunate that the political will came together at the same time as the financial resources to
10 make it happen.

11 12 **3. PUBLIC HEARINGS.**

13 **3.1 The Planning Commission will Receive Public Comment on a Request by Gary** 14 **Harrison for the Canyon Racquet Club at 7350 South Wasatch Boulevard.**

15
16 (19:14:00) Chair Nicholl described the process and stated that no decision would be made
17 tonight. If and when a decision is made, it will be a recommendation only to the City Council.
18 He explained that the Planning Commission does not have the authority to change zoning within
19 the City. That was the prerogative of the City Council. Once the Planning Commission makes a
20 recommendation to the City Council, the City Council will go through exactly the same process
21 as the Planning Commission before making their decision. Chair Nicholl explained that typically
22 the Commission gets applications to make a property more intensive in use with higher density
23 and more commercial. With the proposed application, the applicant was asking to reduce the
24 intensity of the use and make the zoning more restrictive. The current zoning of the property
25 was C-2. The applicant was asking to mix residential in with the commercial zoning. The
26 Commission's goal was to do what is best for all aspects of the City.

27
28 Commissioner Bowen stated that the Commission was aware that there is a problem with the
29 notice. Ultimately, the matter will be renoticed and another meeting conducted.

30
31 (19:18:58) City Planner, Greg Platt, presented the staff report and stated that the applicant has
32 requested a zone change for the Canyon Racquet Club property located at 7350 South Wasatch
33 Boulevard. The intent was to rezone it from regional commercial or C-R to MU or mixed use.
34 The general plan designation for the property is mixed use. At the time of the staff report, staff
35 had received very little public comment. To date, several letters, emails, and phone calls had
36 been received from the public with regard to the property. Much of the correspondence was
37 provided to the Planning Commission for their review. The public hearing was noticed
38 according to City Code except the notices were sent to the property addresses instead of to the
39 owner addresses. For that reason, the matter would need to be renoticed. All property owners
40 within 500 feet of the property would be noticed.

41
42 Mr. Platt reported that the property is located on the west side of Wasatch Boulevard just south
43 of Fort Union Boulevard. The property is approximately 11 acres in size. The west side of the
44 property fronts Racquet Club Drive. The current zoning for the property is regional commercial
45 which is designed for retail and other commercial uses that attract business from both inside and
46 outside the City boundaries. The mixed use zone is considered a land use of lesser intensity and

1 a switch from regional commercial to mixed use would be considered down zoning. Mr. Platt
2 explained that the regional commercial zone is designed for commercial uses only but the mixed
3 use zone allows both for commercial and residential uses. The proposed lot will also fall under
4 the gateway zone and the sensitive lands zone. As a result, any future use on the property will be
5 subject to the regulations of the two zones. Additionally, there is a fault line running through the
6 property. Restrictions are in place in the City code to deal with that.

7
8 (19:21:40) Mr. Platt reported that the zoning of the property has been C-2 under the County
9 designation and it has been regional commercial or the equivalent for over 30 years. When the
10 City was incorporated, the County zone was kept in place leaving the City with the current
11 zoning of regional commercial. The general plan has a designation of the area for mixed use.
12 The reasoning behind it was to downzone the area over time. With the current rezoning being
13 regional commercial, it does not coincide with the general plan designation. Rezoning the
14 property would bring it in line with the general plan. Mr. Platt explained that the current zoning
15 would allow for big box businesses and restaurants. Switching to mixed use would allow many
16 of those same things in addition to hotels, which the current zoning does not. It would also allow
17 for residential uses.

18
19 Chair Nicholl explained that the property is in a sensitive lands area as well as the gateway
20 overlay area. That gives the City a huge amount of control over what will be developed. Height
21 requirements will need to be adhered to as well as numerous other requirements.

22
23 (19:24:58) The applicant, Gary Harrison, gave his address as 2327 East Country Club Drive. He
24 commented that they were very well aware of what they are doing with the mixed use and down
25 zoning. They were looking at single-family detached residential units along with hotel and
26 commercial uses. The intensity would be very light. Part of the reason for that is because there
27 are fault lines throughout the property, which they have to stay clear of. The previous property
28 was grandfathered in and development was allowed there. New regulations prohibited building
29 on fault lines.

30
31 Chair Nicholl opened the public hearing.

32
33 (19:26:14) Stan Rosenweig gave his address as 3661 Macintosh Lane. He stated that when he
34 received the flyer about what the use is going to be, they were happy with it. He understood that
35 the developer needed to make money. They looked at how that could be done with the least
36 amount of impact to neighbors and the community. To him, what was proposed seemed like a
37 good idea. The problem was that the zoning could be granted and then one of two things could
38 happen. First, the developer could be underfunded and unable to complete the project; or,
39 second, the economy in the local area could change and the plan won't work. The only problem
40 Mr. Rosenweig had was that if they go forward and make a commitment based on what they
41 think the applicant is going to do, if it doesn't work out they will feel foolish. He suggested that
42 instead of zoning the property as proposed by staff, it be looked at in two different ways. Part of
43 the property should be looked at in a positive way to zone for residential. Another part should be
44 looked at for mixed use. That way everyone wins. He thought the project was very good for the
45 community and a legal way should be found to make it work. Mr. Rosenweig commented that
46 he submitted his comments in writing as well.

1
2 Chair Nicholl stated that if the zoning goes through, the developer will then present his plan to
3 the City.

4
5 (19:30:54) Janet Nielsen a 37-year resident gave her address as 3613 Winesap Road. She stated
6 that when the City incorporated, it was done in good faith that they would become a bedroom
7 community and have a voice in government. She did not want to see 400 to 600 homes on the
8 subject property. She thought the concerns of the neighborhood should be considered and they
9 should be protected from traffic and potential crime. Commissioner Bowen informed
10 Ms. Nielsen that the question was whether to downzone the property from commercial to mixed
11 use. Ms. Nielsen's concern with mixed use was that they would be opening up a Pandora's Box.
12 There are things that could currently be developed that the neighbors will use and benefit from.
13 She doubted that a hotel would benefit the neighbors. She thought there were other uses that
14 could potentially go in that would be supported by the neighborhood. Her preference was to
15 keep the property zoned commercial. She did not want to lose control over what is developed.

16
17 Commissioner Bowen explained that rezoning the property would actually give the City more
18 control. He explained that much of what the Planning Commission does is controlled by the
19 rules set by the Legislature. This particular property, if down zoned, comes in brand new. The
20 City then has control over it, as they are gateway sensitive because of the fault. Right now, one
21 of the uses is big box commercial. The Legislature has said that if there is a conditional use that
22 is allowed in the zone and a developer comes to them with that conditional use, the City has to
23 give it to them unless they cannot impose any conditions on it to mitigate adverse impacts on the
24 community. The topic of specific uses was not a discussion for tonight but will come if the
25 property is rezoned. He explained that there is some peril to the community now if someone
26 comes in and wants to put in a big box commercial use because the property is zoned for that. At
27 that point the City will have to determine how to mitigate the impact on the community. In the
28 end, they may not be able to and the use could go in.

29
30 (19:39:15) Robert Hayes gave his address as 3394 East Magic View Drive. He realized that the
31 Commission was in a catch-22 as far as zoning is concerned and that the possibility exists for
32 commercial to be developed without the City having a say in it. He asked if the zoning could be
33 changed to a residential only use. Because of 30 years of history and development in the south
34 end of the valley, traffic problems exist and there is not enough room on the road to allow
35 ingress and egress from two hotels. He proposed the possibility of changing the zoning to
36 residential only. Mr. Hayes was informed that such a request would have to come from the
37 owner of the property. Commissioner Bowen explained that if the property is rezoned, the next
38 step is to have traffic and geological studies done. All of the issues identified by Mr. Hayes
39 would be addressed in the second phase.

40
41 James R. Brown gave his address as 4076 Prospector Drive. What he had heard was different
42 than what staff had informed him of. He was concerned that others were also misinformed. He
43 stated that mixed use will allow hotels while the current zoning will not. That was the opposite
44 of what he was told by staff. He thought an informed decision should be made relative to the
45 issue of zoning. In order to do that, he thought the notice should include the current zoning and
46 what will be allowed under the mixed use.

1
2 Chair Nicholl stated that the notice included the current and proposed zoning. He explained that
3 any interested individuals can visit the City's website where the information is readily available.
4 Mr. Platt acknowledged that in error he may have misinformed a few people about hotels being
5 allowed presently. Staff tried to correct that and get the word out once the error was recognized.
6

7 Jeff Voyles gave his address as 7260 South Jonathan Drive. He was opposed to the request and
8 thought a message should be sent to the developer that if they want residential they should
9 propose a zoning that the City will accept. His preference was to leave the zoning as C-2 to
10 prevent problems later and reject the request. He suggested the applicant come back with a
11 legitimate proposal that will limit it to residential and mixed use.
12

13 (19:46:57) Bob Good gave his address as 7720 Quicksilver Drive and asked if the sensitive lands
14 and gateway apply to any zone. It was clarified that they do not and it must be in the gateway as
15 defined by the City. Mr. Good suggested the Commission ask the developer what he would do if
16 the zone doesn't change. Chair Nicholl was not sure that was appropriate at this point. He
17 explained that the applicant has made an application and the discussion tonight had to do solely
18 with his application. Mr. Good thought that in order to make an intelligent decision as to
19 whether to change the zone, they should know what could be proposed if no change were
20 approved.
21

22 Before a decision is made on the matter, Commissioner Haymore would want to clearly
23 understand what is allowed now that would not be allowed under the requested new zone.
24

25 Josh Linker gave his address as 7430 South Wasatch Boulevard at the Canyon Racquet Club. He
26 hoped the Commission would make a decision in an expeditious manner. The view pulling into
27 the Canyon Racquet Club presently is unpleasant because of an unsightly green fence.
28 Mr. Linker owns two units and rents out one and guests are not happy with the view. The
29 subject property looked terrible and was not well maintained. He hoped the Commission would
30 do something to make sure it is kept up between now and when a decision is made.
31

32 (19:50:26) Dale Chalmers gave his address as 2918 East Bridgewater Drive. He believed the
33 property had three faults running through it. If a decision is made allowing something to be built
34 there and the building falls in, he did not want Cottonwood Heights citizens to have to pay for it.
35 He believed that because of the faults there is no room for a big box use and it would never be
36 allowed. As a result, the property owner is asking to change the zoning. Chair Nicholl
37 commented that the City does not know exactly where the faults are or how many there are.
38 Mr. Chalmers disagreed and stated that many people know where the faults are. Chair Nicholl
39 stated that until a geological survey is completed, they will not know the location for certain.
40 Mr. Chalmers did not recommend the City change anything without knowing the location of the
41 faults.
42

43 Jennifer Young was the owner of property at 7340 South Wasatch Boulevard and was present on
44 behalf of the Canyon Racquet Club Homeowners' Association. Their concern was with how the
45 property looks and has looked for some time and the fugitive dust. She asked if something could
46 be done about the dust. Mr. Smith agreed to have the City's Public Works Inspector visit the site

1 and see what kind of dust control measures have been implemented and what needs to be done.
2 Ms. Young also commented that there were a lot of weeds on the property. Mr. Smith stated that
3 he would look into that as well.
4

5 (19:53:00) JoAnn Merrill gave her address as 3620 East Jonathan Drive. She thought the
6 citizens should be informed of what can be developed in the C-2 zone and mixed use zones. She
7 thought there was still some confusion. She was concerned that the historical sites such as the
8 Old Mill have been destroyed by vandals and are not being restored. She preferred that the Old
9 Mill be developed instead. She complained about the gun club and the gravel pit. Chair Nicholl
10 urged Ms. Merrill to stick to the issue at hand and invited her to visit the City's website.
11

12 Marie Casey gave her address as 7268 South Pippen Drive. She wondered about the impact of
13 low-density residential going to high-density residential and did not support the proposed
14 change.
15

16 John Kennington gave his address as 2251 Pippen Drive. He came to tonight's meeting
17 misinformed like some others and was ready to talk about land uses. He appreciated the
18 clarifications provided by the Commission. He believed that many citizens are insecure not
19 knowing exactly what will happen with the property. Some may be interested in eventually
20 seeing other uses come to the property. Chair Nicholl reminded Mr. Kennington that the
21 property owner has private property rights. He did not view what was being proposed as a "leap
22 of faith" because of the control the City will have over the property. Most are concerned about
23 change. The Commission's job was to help the citizens and the developer so that the project will
24 benefit everyone involved.
25

26 Commissioner Bowen explained that in order for the property to become a park and ride, the
27 City will have to condemn it and pay fair market value for it. Chair Nicholl stated that property
28 taxes would have to be increased to pay for it or a special assessment imposed. Mr. Kennington
29 stated that he would be willing to pay a little more in taxes for the City to acquire it.
30 Commissioner Bowen reported that several years ago when the City was organized, they had
31 hearings all around the City to put together a master plan for the City. In that process it was
32 determined that although the property was zoned C-2 in the County, the City did not feel that
33 was the correct zoning for it and imposed the MU zone. One of the things that the City and a
34 court look at is the master plan designation. What the applicant is requesting is exactly in
35 conformance with the master plan that has been enacted by the City. If people are upset about
36 what can go in under the MU zone, they should have gotten involved three years ago when the
37 City went through the process of putting the master plan together. Chair Nicholl remarked that
38 hundreds of hours were spent in that effort. It was clarified that the request was to change the
39 zone. What they were looking at were all of the possibilities under each of the two zones. All of
40 the possibilities would need to be explored. Mr. Kennington's preference was to maintain the
41 current zoning and not allow hotels.
42

43 (20:04:04) Commissioner Armstrong stated that there had been mention of the improbability of a
44 big box being able to locate on the property. He did not think that could be assumed because
45 with a large store such as Wal-Mart, half of the property would be parking, which can and does
46 take place on fault lines although the building would not. In this case, it was not known where

1 the fault lines are. He thought the assumption that a big box could not located on the property
2 could not be assumed.

3
4 Marian Anderson, A Bengal Boulevard resident, valued the rights of property owners. If the
5 zoning was changed to allow hotels, she wondered if there would be a restriction on the size.
6 Chair Nicholl confirmed that there would. Ms. Anderson wanted to make sure that it is
7 appealing to live above whatever use is developed. Chair Nicholl stated that any proposal will
8 go before the Architectural Review Committee, the Planning Commission, and the City Council.
9 It will be reviewed many times and stringent restrictions will be put in place. The City will work
10 with the developer to make certain that the plan accepted by the City is what the developer
11 builds.

12
13 (21:07:22) Heidi Huntsman gave her address as 7381 Racquet Club Drive and stated that her
14 property directly borders the property in question on two sides. She would be very affected by
15 the project and in fact had experienced a great deal of damage to her property. If she were to
16 choose between shops, a strip mall and an upscale hotel and town homes, she would choose a
17 very beautiful hotel and town homes.

18
19 Ken Nielsen gave his address as 3613 Winesap Road. He stated that with the mixed use there
20 are numerous potential uses. He asked if items in the mixed-use zone can be eliminated. Chair
21 Nicholl stated that they cannot if it is a conditional or permitted use. If the City cannot
22 determine a valid concrete reason for denial, it has to be approved. Once the zoning is approved
23 it comes with all of the uses. The difference between permitted and conditional uses was
24 described. Conditional uses require approval from the City. The Legislature has mandated that
25 if the use is permitted in the zone, it has to be approved unless a detrimental community impact
26 can be identified that can't be mitigated with reasonable conditions. It was stressed that those
27 instances were very rare.

28
29 Chair Nicholl made it clear that the Commission will go forward with the process and conduct all
30 of the necessary reviews and then make their decision. He stressed that a decision from the
31 Planning Commission is a recommendation to the City Council.

32
33 (20:11:42) ***Commissioner Bowen moved to continue the matter to the first meeting in August***
34 ***and keep the public comment open until that time. Commissioner Frost seconded the motion.***
35 ***Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn***
36 ***Frost-Aye, Doug Haymore-Aye. Brad Jorgenson-Aye. The motion passed unanimously.***

37
38 Mr. Platt reported that some uses that are allowed in the regional commercial zone that are not
39 allowed in the mixed use zone are liquor stores, motor vehicle sales, gas stations, car washes,
40 residential, churches, home preschools, parks, planned unit developments, elderly residential
41 facilities, schools, private schools, and hotels.

42 43 **4. ACTION ITEMS.**

44
45 There were no action items scheduled.
46

1 **5. DISCUSSION ITEMS.**

2
3 There were no discussion items scheduled.

4
5 **6. PLANNING DIRECTOR'S REPORT.**

6
7 There was no Planning Director's Report.

8
9 **7. ADJOURNMENT**

10
11 (20:14:22) *Commissioner Frost moved to adjourn. Commissioner Bowen seconded the*
12 *motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye,*
13 *JoAnn Frost-Aye, Doug Haymore-Aye. Brad Jorgenson-Aye. The motion passed*
14 *unanimously.*

15
16 The Planning Commission Meeting adjourned at 8:15 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, July 2, 2008.*

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6
7 
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary

12
13
14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, July 16, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 J. Thomas Bowen
17 Brad Jorgenson, Alternate
18 Amy Rosevear

19
20 **City Staff:**

21
22 Michael Black, Planning Director
23 Morgan Brim, Planning Technician
24 Shane Topham, City Attorney
25 Neal Stowe, ARC Representative
26 Bob Good, Board of Adjustment Member

27
28 **BUSINESS MEETING**

29
30 **1. WELCOME/ACKNOWLEDGEMENTS.**

31
32 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
33 reviewed.

34
35 **2. CITIZEN COMMENTS.**

36
37 There were no citizen comments.

38
39 **3. PUBLIC HEARINGS:**

40
41 **3.1 The Public Hearing for the Sky Meadows Subdivision located at 3720 East Golden**
42 **Oaks Drive has been cancelled at the applicant's request.**

43
44 The above item was withdrawn from the agenda at the request of the applicant. Chair Nicholl
45 guaranteed those present that no action will be taken until a public hearing is held. Property
46 owners within 1,000 feet of the property will be noticed. Planning Director, Michael Black,
stated that sending notice to property owners within 1,000 feet of the property is standard and is
actually three times what is required.

Commissioner Bowen realized there was some erroneous information being distributed about the
intentions of the Planning Commission tonight. Board of Adjustment Member, Bob Good, stated
that a lot of people in the City don't understand the details of the rules and regulations regarding
these types of projects. A number of people were concerned that the Sky Meadows matter would
be discussed tonight even though it was removed from the agenda. Mr. Good stated that he had

1 tried to inform as many people as possible as to what the rules and regulations are and the fact
2 that tonight there would not be a discussion of the issue.

3
4 Chair Nicholl urged concerned citizens to not listen to the rumor mill and contact the City
5 directly. Planning staff was more than willing to discuss the issues with anyone who is
6 interested. He stressed that the Commission would not do anything that would circumvent the
7 standard procedures.

8
9 (19:18:02) Mr. Black stated that staff visited with key people on the bench and spent hours with
10 them discussing the process. Unfortunately, staff was not able to attend meetings they have held
11 because of other scheduling conflicts. Mr. Black stated that he had made himself available to
12 anybody who wants to meet and would continue to do so.

13
14 **4. ACTION ITEMS.**

15 **4.1 The Planning Commission will take action on a request by Steven Hopkins for an**
16 **amendment to the Old Mill Parking Structure located at 6322 South 300 East.**

17
18 (19:03:28) Mr. Black presented the staff report and displayed some architectural renderings. The
19 applicant was asking for an amended conditional use request. The conditional use was for an
20 office building and parking structure that was approved in 2006. The parking structure was
21 before the Commission to be amended so that a roof can be added. The roof was described as a
22 solid surface concrete that is somewhat flat. Consideration was taken for landscaping, physical
23 fitness amenities, and an outside eating area for a new restaurant that was approved in the master
24 plan as part of the original conditional use. The Planning Commission looks at amended
25 conditional uses and has the right to make conditions to mitigate any potential detrimental effects
26 as a result of the new portion of the conditional use. The rest of the conditional use would be
27 entitled already and would not be part of the application. Staff looked at the request in a number
28 of different ways such as aesthetics and drainage.

29
30 Chair Nicholl pointed out that the issue was already reviewed by the Architectural Review
31 Committee and Chair Neal Stowe was present tonight. Peter Brunjes of VCBO Architects was
32 present on behalf of the applicants. He gave his office address as 524 South 600 East in Salt
33 Lake City. The latest rendering of the roof was displayed, which looked very similar to what the
34 original top level of the parking structure originally looked like. The intent was to bring the
35 amenities that used to be on the top level to what is now considered the roof. Approval of the
36 architecture of the restaurant was recently obtained from the Architectural Review Committee.
37 The desire was to provide an outdoor patio on the roof that would be buffered from the large
38 roof. A running track was proposed around the edge of the roof for the use of tenants. The
39 owner wanted to install a large number of solar panels on the roof in response to the need for
40 better energy efficiency on buildings. Mr. Brunjes stated that the stairs on both corners had been
41 brought up to the roof for access and maintenance.

42
43 (19:10:12) Mr. Black reported that staff recommended approval of the request.

44
45 Chair Nicholl opened the meeting to public comment.

1 Bob Good was curious as to whether or not there would be escalators or elevators going up to the
2 roof. The applicant stated that there would not. Mr. Black explained that all of the ADA parking
3 for the buildings is outside the parking structure. He confirmed that the proposal complies with
4 ADA requirements.

5
6 Commissioner Rosevear asked what material the track would be constructed of. Mr. Black
7 stated that staff did not look at year round access. He stated that it would be made of a green
8 spongy material that will be pleasant to run on.

9
10 (19:12:10) *Commissioner Bowen moved to approve the application as presented.*
11 *Commissioner Jorgenson seconded the motion.*

12
13 Commissioner Rosevear asked Commissioner Bowen to add a condition that the planter boxes
14 for the trees and plants be consistent with the original conditional use permit approval.
15 Commissioner Bowen responded that he was comfortable with the motion as stated.

16
17 Chair Nicholl wanted to make it clear that the proposed addition is for pedestrian traffic and not
18 for parking.

19
20 Commissioner Armstrong asked if there would be tables on the roof relative to the restaurant.
21 Mr. Black confirmed that there would be. Commissioner Armstrong noticed that there was a
22 large area of open space proposed and asked what it would be used for. Mr. Black responded
23 that solar panels were proposed that would take up most of the open area. All of the tables
24 would be focused near the restaurant. The other use of the roof would be to provide solar power
25 and as a running track. There were no other amenities proposed on the roof.

26
27 *Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, Brad*
28 *Jorgenson-Aye, Amy Rosevear-Aye. The motion passed unanimously.*

29
30 5. **DISCUSSION ITEMS – There are no discussion items scheduled for the July 16,**
31 **2008 Meeting.**

32
33 (19:14:50) Commissioner Bowen noticed that the attendance sheet being passed around showed
34 the date as July 2, 2008. Mr. Black agreed to correct the date.

35
36 (19:18:30) Chair Nicholl stated that a few weeks ago the Planning Commission met with the
37 Architectural Review Committee and they agreed that when there is an issue that is to be
38 discussed that concerns the other body, a representative will be present as was done tonight.
39 Similarly, a Planning Commission representative will be present at an Architectural Review
40 Committee Meeting when a Planning Commission matter is discussed. In addition, it would
41 behoove the Planning Commission to have the Member who resides closest to any project or
42 item to be dealt with by the Architectural Review Commission to attend that meeting. If they
43 cannot attend, they should inform the Chair who will assign another member to attend. Any
44 information obtained should be reported back to the Commission. He asked that the matter be
45 put on the next agenda.

1 (19:21:18) Commissioner Bowen asked how changes to the minutes should be handled.
2 Mr. Black suggested they be sent to Morgan Brim.

3
4 **6. PLANNING DIRECTOR'S REPORT.**

5
6 There was no Planning Director's Report.

7
8 **7. ADJOURNMENT.**

9
10 *Commissioner Bowen moved to adjourn. Commissioner Rosevear seconded the motion. Vote*
11 *on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, J. Thomas Bowen-Aye, Brad*
12 *Jorgenson-Aye, Amy Rosevear-Aye. The motion passed unanimously.*

13
14 The Planning Commission Meeting adjourned at 7:22 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, July 16, 2008.*

3
4
5
6
7 
8

9 Teri Forbes

10 T Forbes Group

11 Minutes Secretary

12
13
14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, August 6, 2008**
5 **7:00 p.m.**
6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 Perry Bolyard, Alternate
17 JoAnn Frost
18 Doug Haymore
19 Brad Jorgenson, Alternate
20 Jim Keane
21 Amy Rosevear
22

City Staff:

Michael Black, Planning Director
Greg Platt, City Planner
Jordan Backman, Planning Department Intern

23 **BUSINESS MEETING**

24
25 **1. WELCOME/ACKNOWLEDGEMENTS.**

26
27 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
28 reviewed.
29

30 **2. CITIZEN COMMENTS.**

31
32 Chair Nicholl stated that the citizens' comments should consist of comments from citizens on
33 items that are not on the agenda.
34

35 (19:04:55) Danette Kennelly reported that she had lived in the area for 26 years. She had a
36 major problem with the new police department and was unsatisfied with their performance. She
37 stated that on one occasion she was in her backyard and had someone break in her back door and
38 go into her house. She chased him out of her yard and called the police. The officers showed up
39 and their main concerns did not seem to be with her two children who were in the house with a
40 strange man. The officers did not take an accurate report, ask for a description, or look for the
41 man. She stated that she owns a gun and will use it next time. When she called the police
42 department the next day to inquire as to the type of report they made, she was transferred
43 numerous times. When she finally got an answer she discovered that it was reported as
44 suspicious activity. She expected a better response than that. Mrs. Kennelly had also reported
45 incidences of vandalism without a response. She expected better service than she was presently
46 receiving.

1
2 (19:07:37) Chair Nicholl explained that the City does not have its own police department yet.
3 The police department will begin service on September 1, 2008 at which time officers will begin
4 patrolling. Until that time, the Salt Lake County Sheriff's Office is responding to all
5 emergencies and calls for help within the City of Cottonwood Heights. Mrs. Kennelly stated that
6 that sounded good but she had a real life experience where officers showed up at her house
7 representing Cottonwood Heights. She remarked that she had had excellent service from the
8 County.

9
10 (19:08:49) Planning Director, Michael Black, explained that the City's Police Department
11 consists of seven police officers including five sergeants, a chief of police, and an assistant chief.
12 None were patrolling the streets because the City is still under contract with the County.
13 Officers arriving at her residence would have been Salt Lake County officers representing the
14 City of Cottonwood Heights. The patrol cars had the City's name on them. The officers
15 currently patrolling would be identified with the City's name on both their cars and uniforms.
16 Mrs. Kennelly reiterated that their service needs to improve.

17
18 (19:09:30) Mr. Black suggested that Mrs. Kennelly contact the Mayor and report her experience
19 to him. Mrs. Kennelly suggested that the officers involved were inexperienced and need to be
20 replaced with experienced officers. Mr. Black explained that the comments made by Mrs.
21 Kennelly are representative of the reason Cottonwood Heights will be starting its own police
22 force. Beginning August 11, there will be over 30 officers in the City; however, they will not be
23 practicing law enforcement until September 1. The chief of police was available to speak with
24 citizens in the interim. However, until that time the Salt Lake County Sheriff's Department in
25 the name of Cottonwood Heights will fulfill police services.

26
27 There were no further citizen's comments.

28
29 **3. PUBLIC HEARINGS:**

30 **3.1 The Planning Commission will receive public comment on a conditional use permit**
31 **for a day care/preschool requested by Pearl and George Garff located at 7304**
32 **Jonathan Drive. This is a request for a home-based day care/preschool to be located**
33 **in the home of the applicants with no more than 12 students.**

34
35 (19:11:04) Planning Department Intern, Jordan Backman, presented the staff report and stated
36 that the request is for a conditional use for a home day care and preschool. The applicant
37 requested a home daycare with a maximum of 12 children being enrolled at one time. The
38 operating hours will be between 7:00 a.m. and 6:00 p.m. The children will be instructed within
39 the home and the play area will be to the north of the property. The residents within 300 feet of
40 the property were noticed at least eight days prior to the hearing. No residents voiced opposition
41 to the request. The applicant spoke with the surrounding residents and received positive
42 feedback. The site layout was described. It was reported that the home is located on just over .2
43 acres.

44
45 It was expected that parents will drop off children between 7:00 a.m. and 9:00 a.m. and pick
46 them up between 4:00 p.m. and 6:00 p.m. There will be no more than 12 children at a time on

1 the premises. With regard to noise, the play area will be on the north side of the property and
2 will only be used between 8:00 a.m. and 7:00 p.m. as set forth in City Code. With regard to
3 signage, no signs are allowed in the R-1-8 Zone, however, the applicant will be allowed a
4 nameplate on the door. Mr. Backman explained that daycares and preschools are allowed as
5 conditional uses in the R-1-8 zone. Staff recommended approval of the conditional use request
6 subject to the conditions contained in the staff report.

7
8 The applicant George Garff gave his address as 7304 Jonathan Drive and reported that he has
9 been in the daycare business for 22 years, and his wife, Pearl Garff, for 45 years. He reported
10 that this is their livelihood. They were in complete agreement with the conditions and
11 requirements. He added that the driveway is a three-car driveway, which adds an additional
12 parking space beyond the two that are required. He had spoken with the fire department and
13 reported that they are in compliance with the staff conditions. He sits on the Child Care
14 Advisory Committee for the State of Utah and the care that will be offered in his home facility
15 will far exceed the requirements. He is also President of the Utah Association for the Education
16 of Young Children, which is the Utah affiliate of the National Association, the largest
17 organization of its kind. He further explained that the hours will not extend to 7:00 p.m. and all
18 children will leave the premises by 6:00 p.m. Mr. Garff reported that the facility currently opens
19 at 7:00 a.m. and during the school year, the earliest child arrives at 8:00 a.m. Mr. Garff
20 presented the Commission with the proposed hours for the children who will attend the facility,
21 and noted that the hours are staggered and will not affect traffic. He reiterated that they will
22 comply with Cottonwood Heights City requirements and a greater standard than required by the
23 State of Utah's childcare licensing requirements.

24
25 (19:21:31) Jan Nielsen gave her address as 3613 Winesap Road and reported that she has lived
26 next door to the Garffs for nearly 36 years. Both her children and grandchildren have been
27 involved in daycare programs with the Garffs. She reported that the Garffs are incredibly
28 qualified and capable and she welcomed the proposed daycare facility.

29
30 (19:22:12) Shirley George gave her address as 3580 Winesap Road and reported that she has
31 lived in her residence for 48 years. Her children attended Mrs. Garff's classes, as she was the
32 foremost children's dance teacher. There were many students at that time and they did not
33 present a problem. She had no concerns with the proposed facility.

34
35 (19:22:54) Alona Holm gave her address as 7297 Jonathan Drive. She reported that her home
36 faces the Garffs and she expressed support for the proposed facility.

37
38 (19:23:14) JoAnn Merrill, a Jonathan Drive resident, reported that she is in favor of the
39 preschool daycare facility. Her grandson attends Mrs. Garff's classes, and she thought it would
40 be nice to have children in the neighborhood.

41
42 (19:23:44) *Commissioner Rosevear moved that the Commission approve the preschool/daycare*
43 *facility at 7304 Jonathan Drive with the following conditions:*

- 44
45 1. *That there shall be no more than 12 children, including the caregiver's own children*
46 *that are under age 6 and not yet in full day school.*

2. *There shall be no more than one employee that does not reside in the home.*
- 3.
3. *The caregiver shall comply with all applicable licensing requirements under Title V of the Cottonwood Heights Code of Ordinances.*
- 6.
4. *There shall be no signs on the dwelling.*
- 8.
5. *The play yard shall not be located in the front yard and shall only be used between 8:00 a.m. and 6:00 p.m.*
- 11.
6. *That the applicant constructs a fence separating the front yard and the play area in the side yard to provide a safety buffer for the street.*
- 14.
7. *Operational hours shall be between 7:00 a.m. and 6:00 p.m.*

Commissioner Armstrong seconded the motion.

Mr. Black explained that this item was scheduled for a public hearing only and action would be scheduled two weeks from tonight.

The motion was withdrawn.

(19:25:16) A Commission Member inquired as to whether there are any SAT requirements on a daycare. Mr. Black responded that to his knowledge, the Fire Department inspection has already taken place. If it has not, it will take place very soon and before the business license is issued. He added that the State of Utah will perform an inspection as well.

Fencing issues were discussed. Mr. Black stated that it would be between the side yard and the front yard and be a maximum of six feet tall.

3.2 The Planning Commission will receive public comment on a request by McCown E. Hunt for a general plan amendment at 6800 and 6814 South Highland Drive. The applicant proposes to change the general plan designation from low-density residential to residential office.

(19:26:33) City Planner, Greg Platt, presented the staff report and stated that the applicant was requesting an amendment to the general plan for two properties located at 6800 and 6814 South Highland Drive from low-density residential to residential office. No comments were received from the public on the request other than during the Blackstone Crossing public hearing. At that time there were comments about the general neighborhood. Notice was mailed to all properties within 1,000 feet at least 10 days prior to tonight's meeting.

Mr. Platt reported that the two properties together constitute .66 acres and are located within a residential neighborhood. The proximity of the properties to Highland Drive makes it less desirable for residential homes and more desirable for commercial uses. The lot to the north is

1 zoned regional commercial and currently houses a dental office. The current general plan
2 designation for the property is low-density residential R-1-8. The applicant requested a change
3 of designation to residential office (RO), which is designed for small offices that allow for
4 commercial uses without disrupting the character of the neighborhood. Staff recommended
5 approval of the designation change.

6
7 Mr. Platt reported that the subject properties are both adjacent to residential areas. Staff felt the
8 location of the subject properties in relation to the residential properties creates a situation in
9 which a land use transition is necessary. Both the conditional use process and the ARC provide
10 the City with the opportunity to master plan the properties to ensure more appropriate land use
11 transition with any change in use if the general plan and subsequent zone changes are approved.
12 The protection of residential areas located directly behind any current and future commercial
13 properties is of great importance. Since the subject properties are located along Highland Drive,
14 a request for a change to a commercial designation could be anticipated. However, since the
15 subject properties are not located at one of the major intersections along Highland Drive, a less
16 intense commercial use such as residential office may be more appropriate to address the impact
17 of Highland Drive while minimizing impacts on the residents. Mr. Platt reported that the only
18 permitted use in the RO zone is a single-family dwelling. The conditional uses were listed.

19
20 (19:33:14) Chair Nicholl explained to the public that no decision will be made on the item
21 tonight. Once a time and date is set for that decision, the Commission will be a recommending
22 body to the City Council, who makes the final decision.

23
24 The applicant McCown E. Hunt explained that his involvement in the property is through his
25 wife's aunt, Mrs. Adeline Peay, who was a former resident of the property. He moved to
26 Cottonwood Heights in 1969 and was made executor of Mrs. Peay's will and trust for her
27 children, one of whom was deceased. The other is disabled. He noticed that the freeway noise
28 and highway dust is excessive in the front yard of the property and he decided to sell the property
29 to fund the care of Mrs. Peay's living son. Mr. Hunt felt that the house was inappropriate to sell
30 as a residence because of the age and location of the property. He spoke with Mr. Black, who
31 recommended the RO designation for the site. Mr. Hunt noted that a dental office would be an
32 improvement and add value without traffic impact. He believed that a better use of the land
33 would be the RO designation, which he considered an upgrade to the property.

34
35 (19:38:02) Joyce Felt gave her address as 7956 South Willow Circle and stated that she and her
36 husband recently purchased the property to the north. Her husband had been a dentist in Salt
37 Lake City for 19 years and they hoped to establish a dental office in the proposed location.
38 Mrs. Felt's husband is a community-oriented dentist and her children have attended the nearby
39 preschool. They believe a dental office would be a good use of the property. She and her
40 husband support the RO zone, recognizing the conditions that would apply to a special use
41 permit. They plan to create an aesthetically pleasing building with minimal traffic impact to
42 nearby residents.

43
44 (19:40:13) Jack Sirstius gave his address as 6814 South Highland Drive and voiced his support
45 for the proposed zone change. Mr. Sirstius reported that he and his parents have lived in the area
46 for 53 years and the traffic and dust has worsened considerably over the years. At this point,

1 structural damage is occurring to the houses in the area because of the vibration. He received a
2 repair bid near \$100,000 for his home.

3
4 (19:41:41) Dan Kennelly identified himself as the owner of the property immediately behind the
5 corner property. He stated that the corner property is in violation of setback laws and the
6 restrictive covenants of the subdivision. There were three offices on the property, although it
7 had never been zoned for commercial use. When Highland Drive came through, he was assured
8 by the Salt Lake County Commission, the City Mayor, and others that the area would remain
9 residential permanently. Mr. Kennelly identified homes that were built more recently that are
10 also in violation. He thought that changing the zoning would be a fiasco. He stated that there is
11 something wrong if the violations are allowed to be in the area. Mr. Kennelly then presented
12 photographs of the homes for which the zoning change has been proposed. They were all built at
13 the same time by the same builder. He reported that there is nothing wrong with the houses, so
14 long as they are maintained. He stated that he owns three of them. He was opposed to the
15 proposed rezone.

16
17 (19:45:17) Liz Nelson gave her address as 1969 Meadow Drive was opposed to the zone change
18 and concerned about the traffic. Although it is a low traffic impact, the intersection is dangerous,
19 with three streets intersecting. She was concerned that anything other than residential traffic will
20 negatively impact the intersection. She reported that traffic from the whole foods market as well
21 as from 7000 South already presents a huge safety concern for the neighborhood. She added that
22 she has lived in the neighborhood her entire life and intends to continue living there. She was
23 concerned about the type of businesses that will come into the area if the zoning is changed. She
24 did not want to see the neighborhood become a commercial gateway.

25
26 (19:47:03) Danette Kennelly expressed opposition to the zone change. She reported that when
27 exiting Highland Drive onto the old Highland Drive to reach the subject properties, the road
28 continues to circle around through a residential neighborhood. There is already some problem
29 with additional traffic in the area, presenting a danger to the children in residence. Some
30 motorists go through this street, believing it will lead to the back of the present commercial area.
31 She was concerned about more traffic through the residential neighborhood. In addition, she was
32 troubled by the rezoning of the property adjoining the subject property, which was originally to
33 be a senior care center. It is now in a state of disrepair and has excessive traffic. Ownership had
34 changed hands many times, and the promises made regarding the property have not been kept.
35 There was supposed to have been a cinderblock wall built, but instead a vinyl chain link fence
36 was installed. She had experienced an increase in crime and vandalism. She did not have these
37 problems previously during the 26 years she has lived in her home. She attempted to speak
38 directly to the owners, but they were vague and mysterious about who they are and what they do
39 on the property. She believed that once a small change is made, it will lead to more intense
40 commercial uses than intended.

41
42 (19:49:56) Judd Kennelly, gave his address as 1982 East La Cresta Drive, next to the current
43 dentist office. He stated that he is against the zoning change. He is concerned about the
44 "domino effect" and the effect commercial will have on the residential neighborhood. He was
45 also concerned about the fact that two properties are requesting the zoning change. He wondered
46 if the square footage requirements would be increased if the properties are together. Mr. Black

1 reported that this would not change the maximum allowed square footage per lot and they would
2 not be allowed to be connected. Chair Nicholl added that there were other conditions such as
3 parking that would essentially prohibit a building of this size. Mr. Kennelly added that traffic on
4 the weekends would be increased. There are already cars racing through the area at this time.
5 He reiterated that he is against the proposed rezone.

6
7 (19:51:00) There were no further public comments. The public hearing was closed.

8
9 Mr. Black noted that the proposal is not a zone change request and is actually a request for a land
10 use designation change on the general plan, which is a master plan for future uses. When
11 considering changes, appropriate future uses should be considered.

12
13 Commissioner Rosevear agreed that the Commission does not want the “domino effect” and
14 suggested they analyze what will be best for the community. She addressed the property upkeep
15 concerns by noting that when there is an opportunity for new buildings, the Commission is given
16 more control over how the property is maintained. She felt a traffic study would be appropriate
17 to determine the possible impacts.

18
19 Mr. Black suggested the item be tabled for one month since staff would need time to explore
20 traffic impacts and look at other parcels in the area. He clarified that Mr. Platt was not
21 advocating the change. His statement was that a request like this one could be anticipated.

22
23 Chair Nicholl stated that the entire community recognizes the problems in the area and the
24 Commission is concerned about it. He thought it would be advisable for the City to look at the
25 entire area so that a more informed decision could be made. He thanked the citizens for their
26 presence and comments.

27
28 The Commission took a short break.

29
30 **4. ACTION ITEMS.**

31 **4.1 The Planning Commission will take action on a request by Gary Harrison for the**
32 **Canyon Racquet Club at 7350 South Wasatch Blvd. Mr. Harrison has requested a**
33 **change of zoning at the Canyon Racquet Club from Regional Commercial to Mixed-**
34 **Use. This item was continued from the July 12, 2008 Planning Commission**
35 **Meeting.**

36
37 (20:00:45) Mr. Platt presented the staff report and stated that the request was for a change to the
38 zoning from the current regional commercial zoning to mixed use. Staff received several
39 comments on the matter. The staff report included a compilation of the written communications
40 received. Mr. Platt reported that the property is located between Wasatch Boulevard and
41 Racquet Club Drive just south of Fort Union and consists of 10.89 acres. The CR zone is
42 designed for retail and other commercial uses. The multi-use zone is considered a zoning of
43 lesser intensity. A switch from regional commercial to mixed use would be considered down
44 zoning. Regional commercial allows for commercial uses while the mixed-use zone allows for
45 both commercial and residential uses. The lot falls under the restrictions of the gateway and
46 sensitive land zones and any future use would be subject to those regulations. The general plan

1 designation for the subject property is mixed use. Under the land use designation the applicant
2 would be able to apply for mixed use, neighborhood commercial, or residential office zones.
3 Currently, the zoning of the property does not coincide with the general plan designation of
4 mixed use. The current zoning of the property predates the creation of the City's general plan.
5 The rezoning of the property would bring the zoning in line with the general plan designation.

6
7 Mr. Platt explained that the property is directly adjacent to residential areas. Staff felt that the
8 location of the subject property in relation to residential properties creates a situation in which a
9 land use transition is highly desirable. While rezoning the property does not create a buffer
10 between uses automatically, it allows the possibility of putting in low-density residential and
11 higher-density residential to use as a buffer between commercial uses and residential uses.
12 Currently, there was no opportunity to create that buffer. The differences between the two zones
13 were described. Mr. Platt explained that the regional commercial is designed to allow for big
14 box and high intensity land uses.

15
16 Mr. Platt explained that any conceptual plan that can be presented is not necessarily what could
17 or would happen on the property. It was important to consider all of the applicable and relevant
18 land uses from both zones to determine which is most appropriate. Mr. Black reiterated the
19 general plan designation and the idea that the property would be redeveloped at some point in
20 time. With the regional commercial designation, the City would have a harder time mitigating
21 detrimental effects that could be imposed on the neighborhood with the regional commercial
22 uses. With the mixed use, they have the ability to mitigate the detrimental effects as they go
23 from east to west. It was his opinion that with the mixed-use zone, they will be able to better
24 regulate the detrimental effects regardless of the use that is requested under the zone than they
25 were with the regional commercial zone.

26
27 (20:07:42) Chair Nicholl reiterated that the Commission is concerned about the citizen comments
28 and want to make the decision that is right for all of the citizens of Cottonwood Heights.

29
30 The applicant Gary Harrison gave his address as 2327 East Country Club Drive in Salt Lake
31 City. He explained that since the request is in keeping with the general plan and constitutes a
32 down zoning, the information provided to the Commission should be sufficient.

33
34 There were no public comments in favor of the request.

35
36 (20:10:32) Bob Good, a Quicksilver Drive resident, called the Commission's attention to the
37 opposition papers filed in response to the zone change. He noted the maximum height
38 requirements and traffic issues associated with a hotel. He remarked that citizens who are
39 against the change are opposed to hotels. He suggested that the property owner rezone the area
40 as R-1-8 and develop residential homes to match the rest of the neighborhood.

41
42 (20:12:01) Nathan Brown gave his address as 3733 Brighton Point Drive, just above the subject
43 property. He stated that the proposed change will allow someone to spend 24 hours a day on the
44 property. He stated that if a use is allowed that has already been grandfathered, the City has the
45 liability. He noted that some houses on Timberline are slipping. If the zone change is allowed
46 and the fault slips, tax dollars will be used to pay for it.

1
2 (20:14:39) Jan Nielsen gave her address as 3613 Winesap Road. She was confused that the
3 corner of Wasatch Boulevard and Fort Union Boulevard in the master plan is considered the
4 gateway to Cottonwood Heights. She believed the first impression of the City is at the exit of I-
5 215 at 6200 South. This impression to her was one of corporate and commercial glut with for
6 lease signs and hotel vacancy signs where vacant properties are prevalent. The preferred
7 impression for her would be one that expresses the City's unique surroundings. She believed
8 that with the current proposal, there will be an inundation of traffic, pollution, and water use.
9 While the MU zoning will allow residential possibilities, she questioned whether it will ever
10 come to fruition. She noted that it was possible for the subject property to be divided into small
11 parcels and sold without development control. Ms. Nielsen was opposed to the proposed change.
12

13 (20:16:51) Alona Holm gave her address as 7297 Jonathan Drive and read a prepared statement.
14 She noted that the racquet club developers promised a park in the area as well as an uncovered
15 stream. This did not occur. Because of that, she did not believe the developers' promises in this
16 instance. She recognized the Commission's intent to maintain the same designations as had been
17 in the county at the inception of Cottonwood Heights in order to preserve existing property
18 rights. She noted that the County had already voted against the hotel proposed by the racquet
19 club. She was present at the meeting where the County Commission stated that a hotel would
20 not be in keeping with the atmosphere and quality of the neighborhood.
21

22 (20:18:30) Garry Whitaker gave his address as 7264 South Winesap Court. He asked who would
23 be responsible for infrastructure development in the area. Staff responded that the infrastructure
24 would be the sole responsibility of the developer. Mr. Whitaker stated that some height
25 restrictions were ambiguous such as the 35-foot two-story requirement. The proposal states that
26 the owners can request an increase to three stories. He asked for clarification as to how many
27 stories would be allowed in total. It was clarified that a maximum of three stories would be
28 allowed. Mr. Whitaker was concerned that this had not been defined. In addition, he noted that
29 there are traffic and parking problems that already exist from skiers that need to be addressed.
30 He agreed with the other comments made in opposition to the request.
31

32 (20:20:16) Bard Davies, a MacIntosh Lane resident, stated that he lives very near the parking lot
33 at the Canyon Racquet Club. He was a 20-year resident and over time had noticed the negative
34 impact of the commercialization in the area. On one occasion he noticed that lights had been
35 installed at the 7-Eleven gas station without warning. He also noticed that a billboard was
36 installed right next to it. He reported that it is a beautiful area and he has not seen any positive
37 impact from the commercial development. In fact, he was concerned that the commercial
38 development was not being done well. Mr. Davies remarked that there have been serious
39 problems in the wintertime with skiers parking on the streets rather than in county-provided
40 areas. He thought the residents were hesitant to allow more commercial based on past problems.
41 Government intervention had not helped. For example, the new UTA bus stop has encouraged
42 more skiers to park in the neighborhood and the new recreation center put the racquet club out of
43 business. He wanted to see the positive steps taken for the good of the neighborhood. While the
44 request seemed like a great revenue source for the City, he did not want the proposal to change
45 the neighborhood.
46

1 (20:24:21) Pearl Garff gave her address as 7304 Jonathan Drive and stated that she is concerned
2 about the water situation in the City. She was also concerned about the traffic on Wasatch
3 Boulevard and Fort Union Boulevard leading into the canyon, as it is a dangerous intersection.
4 The light creates an optical illusion and speeds are high there. A larger influx of traffic, water,
5 and sewage was of serious concern to her.

6
7 (20:26:03) James R. Brown gave his address as 4076 Prospector Drive. He stated that there is a
8 distinction relative to allowing 24-hour use of the ground. Under the mixed-use designation,
9 there are only permitted uses allowing an overnight stay. One was the use of residential property
10 and the other is bed and breakfast. He explained that the hotel is a conditional use for which
11 conditions could be applied to. He referred to the Cedar Hills issue and the State of Utah's study
12 regarding land slippage, in which the subject property was determined to be within the Sensitive
13 Lands Act. Sensitive lands issues were discussed.

14
15 (20:29:25) There were no further public comments. The public hearing was closed. In response
16 to a question raised, Mr. Platt differentiated between the permitted uses and conditional uses. He
17 explained that in order to get a conditional use permit, an applicant would have to identify
18 negative impacts and mitigate them. The effect is that the conditional uses are likely in the event
19 that impacts can be mitigated. A question was raised with regard to the restaurant use and the
20 maximum size allowed. Mr. Platt responded that it could be anything up to 10,000 feet or more
21 with a conditional use permit. He then listed the current conditional uses and noted that some are
22 also allowed under the MU designation. The permitted uses were identified as well. He clarified
23 that the permitted uses can be developed without Commission approval.

24
25 A Commission Member asked why it would give the Commission more control over the property
26 use. Mr. Platt responded that there would be a different set of allowed uses that are considered
27 generally less intensive. It also adds more of the allowed uses into the conditional category,
28 which also adds Commission control. He believed it also gives the City more control over
29 mitigating possible impacts. Mr. Black stated that in looking at the layout of the property, there
30 is a desire to buffer certain land uses from others. The uses on all sides of the subject property
31 were identified. His opinion was that in order to achieve a correct buffering there should be a
32 use closer to Racquet Club Drive that is somewhat consistent with the use that is now on the
33 other side of Racquet Club Drive. A potential problem with the CR zone is that it does not
34 provide the tools necessary to sufficiently mitigate the impact that the project could have on the
35 neighborhood. He explained that there is no residential designation in the CR zone. He believed
36 that was the designation needed to provide the correct buffer between Racquet Club Drive and
37 Wasatch Boulevard.

38
39 It was noted that the subject property could be commercial if the CR zoning remains. Mr. Black
40 responded that potential detrimental effects cannot be mitigated with the MU zone since single-
41 family residential cannot be built between the existing commercial and residential uses.
42 Landscaping could be required; however, the back of a commercial building could potentially be
43 50 feet from the curb. He reiterated that the MU zone would be better to address detrimental
44 effects in the area.

1 (20:38:40) Chair Nicholl asked what type of control there would be over residential properties
2 under the residential zoning versus the MU zoning. Mr. Black stated if the property were split in
3 half into two zones, the gateway zone would not apply on the Racquet Club Drive side because
4 the gateway zone only comes in 100 feet. If any portion of the property touches the gateway
5 zone, then the entire property is considered to be in that zone. The Commission would lose even
6 more regulation over the area in that case.

7
8 Commissioner Haymore reiterated the concerns expressed by the public. He stated that the
9 residential issue outside of mixed use is not relevant to the discussion, as only regional
10 commercial and mixed use are being considered. He asked if there is more ability to control
11 height in the current designation than in MU. Mr. Black stated that the height could be limited to
12 35 feet in either zone. Commissioner Haymore added that because the MU zone allows for the
13 possibility of three floors, it is more difficult to prohibit a third floor under that circumstance
14 than if the zoning remains CR. Mr. Black responded that the third floor is not necessarily
15 identified as a conditional use, but if the Development Review Committee can make a positive
16 recommendation it can be approved by the Commission. If there are too many detrimental
17 effects, the Committee will recommend denial. It was clarified that the third floor is not a
18 conditional use.

19
20 (20:43:50) Commissioner Frost commented about the citizens' concerns about change and the
21 lack of faith in government. She noted that change will occur and you can only try to plan and
22 anticipate. This property was considered three years ago with public input to obtain the
23 transitional zone and regain control of certain parcels. At that time there was an MU
24 recommendation. Since the current proposal is for an MU designation, she believed it was the
25 direction previously voted on by the community when the City was incorporated. The proposed
26 direction had been thoroughly investigated. She remarked that public input changes at every
27 level of the system. The decision being considered by the Commission was one that must be
28 considered using three years of public opinion. The issues have not changed.

29
30 (20:46:21) Commissioner Rosevear commented that no one had discussed the worst-case
31 scenario if the CR was maintained. She noted that the applicant would maintain their grand
32 fathered rights to the CR designation even if it was changed to MU. Chair Nicholl clarified that
33 the Commission will not make the change, but provide a recommendation only. Commissioner
34 Rosevear stated that a worst-case scenario if the CR designation remains would be a car sales
35 facility as a permitted use in the area. There would be the potential for a two-story building with
36 glass and lights. She did not think that would be conducive to the neighborhood. A possible
37 worst-case scenario with an MU designation would be a hotel. Her opinion was that the hotel
38 transition would be most conducive to the City's goals for the gateway and would be the most
39 positive of the two scenarios. She was concerned about the revenue scenario. A car sales lot is
40 more of a revenue generator for the City than a hotel. The Commission's goal was to make the
41 best decision possible for the benefit of the community.

42
43 (20:49:23) *Commissioner Rosevear moved to make a recommendation to the City Council to*
44 *change the zone from CR to MU to allow for the buffer. Commissioner Armstrong seconded*
45 *the motion.*
46

1 (20:50:03) Commissioner Armstrong commented that the major difference between the two
2 proposed zones is that the CR zone would facilitate a big box store, whereas the MU zone limits
3 the size of stores. The MU zone also allows for planned unit development. He inquired as to
4 whether condominiums could be built within the MU zone. Mr. Black stated that they can and
5 are not available in the CR zone. Commissioner Armstrong added that as to the buffer currently
6 on the east side, he believed residential development between the commercial development and
7 current housing would be the preferred buffer for this area. He was be in favor of the zone
8 change as requested.

9
10 (20:51:57) Commissioner Haymore clarified that any recommendation to change the zoning
11 from CR to MU does not guarantee residential development. He agreed with Commissioner
12 Rosevear's analogy of the car lot versus the hotel, with the hotel being the preferred
13 development. He added that City Planners might have additional tools in working with
14 developers when dealing with various applications. He was very concerned about the height
15 issue.

16
17 It was noted that the neighbors in closest proximity to the property do not support the
18 commercial zone; however, there are some uses within the MU zone that they are concerned
19 about. He believed that considering the overall picture, the MU zone will have less negative
20 impact overall than the CR zone.

21
22 *Vote on motion: Amy Rosevear-Aye; Bradley Jorgensen-Aye; Doug Haymore- ye; Geoff*
23 *Armstrong-Aye; JoAnn Frost-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion passed*
24 *unanimously.*

25
26 (20:54:37) Chair Nicholl clarified that his efforts to make Cottonwood Heights what it is today
27 was due to many of the reasons discussed by the citizens such as control over billboards,
28 annexation proposals, and zoning issues. He explained that that the MU zone gives the
29 Commission more control over the property. It will be developed regardless, so it should be
30 done right. He stated that the Planning Commission's decision will be forwarded to the City
31 Council.

32 33 **5. DISCUSSION ITEMS –**

34 **5.1 The Planning Commission will review and discuss the draft document *Making*** 35 ***Effective Public Comments: A Citizen's Guide to the Public Process Regarding*** 36 ***Planning Applications.***

37
38 (20:57:12) Chair Nicholl requested the above item be moved to the next meeting. A request was
39 made to make the document more user-friendly and that pictures be added.

40 41 **6. PLANNING DIRECTOR'S REPORT.** 42 **- Report on Upcoming Public Hearings.**

43
44 (20:58:19) Mr. Black reported on upcoming public hearings. He stated that *The Valley Journal*
45 came out today with an article about Chapter 19.76, regarding supplementary qualifying

1 regulations and conditional uses in the residential zones. The public hearing was advertised as
2 September 3.

3
4 Mr. Black reported that the City Center Master Plan is nearing a draft. An open house on the
5 draft was scheduled for September 23. Prior to that it will be presented to the Commission for
6 review. The schedule for adoption as a document was unknown.

7
8 Mr. Black reported that the following month a community newspaper will be put in *The Valley*
9 *Journal*, with the police being featured in the centerfold with a picture of every officer. The
10 Planning Department will also contribute articles. Mr. Black requested one of the articles come
11 from the Planning Commission. He inquired as to the topic and the Commission Member who
12 would like to write the article. Commissioner Bowen was suggested to author the draft. Mr.
13 Black suggested topics cover how to make public comments and the Planning Commission in
14 general.

15
16 (21:01:58) Commissioner Frost discussed the national meeting to be held in Minneapolis,
17 Minnesota. Mr. Black reported that he planned to attend and would try to budget to send one
18 Planning Commission Member. Commissioner Rosevear volunteered to attend and stated that
19 she would have lodging in the area with family.

20
21 Mr. Black announced that the Utah League of Cities and Towns conference is coming up in Salt
22 Lake City at the Sheraton in September. He agreed to email information on it to the Commission
23 Members.

24
25 (21:04:20) Chair Nicholl reported that he will not be present at the next meeting. He asked
26 Commissioner Haymore to Chair the meeting.

27
28 **7. ADJOURNMENT.**

29
30 (21:05:05) *Commissioner Jorgenson moved to adjourn. Commissioner Rosevear seconded the*
31 *motion. Vote on motion: Vote: Amy Rosevear-Aye; Bradley Jorgensen-Aye; Doug Haymore-*
32 *Aye; Geoff Armstrong-Aye; JoAnn Frost-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The*
33 *motion passed unanimously.*

34
35 The Planning Commission Meeting adjourned at 9:05 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, August 6, 2008.*
3
4
5

6 
7
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12
13

14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, September 17, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 Perry Bolyard
17 JoAnn Frost
18 Doug Haymore
19 Jim Keane
20 Amy Rosevear

City Staff:

Michael Black, Planning Director
Greg Platt, Planner
Brad Gilson, City Engineer

21
22 **BUSINESS MEETING**

23
24 **1. WELCOME/ACKNOWLEDGEMENTS.**

25
26 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
27 reviewed.

28
29 **2. CITIZEN COMMENTS.**

30
31 There were no citizen comments.

32
33 **3. PUBLIC HEARINGS:**

34
35 **3.1 The Planning Commission will hold a public hearing and receive comments on the**
36 **proposed amendments to the Mixed-Use Zone (19.36) for the addition and**
37 **regulation of urban mixed-use self-storage facilities as request by Jim Kane.**

38
39 (19:01:33) Planning Director, Michael Black, presented the staff report and explained that what
40 is proposed is an applicant-initiated text amendment that would add mixed-use self-storage
41 facilities to the Mixed-Use Zone and incorporate regulations for the use. These regulations
42 would set forth how the building would function as a mixed-use building, how it will look, and
43 how it will interact with buildings in the neighborhood. The question to be considered is
44 whether this use can be adequately regulated and whether it should be allowed.

1 (19:02:59) The applicant, Jim Kane, stated that his primary residence is Atlanta, Georgia, but he
2 also owns a house in the area. He introduced his business partners, Mike Rowe and Dan Nixon.

3
4 Mr. Kane described the uses of the product and how they have changed over the course of the
5 years that that self-storage has been in existence. He also discussed how that has affected the
6 product itself and why they feel it fits well in the Mixed Use Zone in Cottonwood Heights. They
7 believe it will enhance and benefit other businesses and residents in the City. It will also
8 contribute to the gateway area where it is being considered. Potential uses for self-storage
9 facilities have historically been off-site file storage for businesses or as extra storage for retail or
10 commercial users for supplies or seasonal items. It might also be used by seasonal businesses.
11 He explained that residential use has become a more permanent function, as facilities become
12 more conveniently located and many times storage sheds are prohibited. A hobbyist might also
13 use the facility for additional storage. Mr. Kane explained that the depth of the market has
14 changed dramatically over the years. The need has changed from an occasional use to a more
15 consistent and permanent use for many people. Location has become more pertinent. The
16 customer base has decreased from a five- to seven-mile radius to less than three miles. Because
17 customers are storing more valuable belongings, close proximity has become important to them.

18
19 (19:07:41) Mr. Kane presented the proposed concept, which was proposed to the Architectural
20 Review Committee. He explained that the street frontage elevation has retail/office space across
21 the bottom floor. The storage office is located nearby, which Mr. Kane stated will sell packing
22 materials. The rear elevation features windows, due to ordinance requirements.

23
24 He showed various examples of urban self-storage units. The Seattle, Washington, facility is
25 designed to look like an apartment building. Another facility resembled an office building. He
26 clarified that these are not mixed-use developments, but designed to appear as such. He showed
27 several examples of facilities in various cities. The Orlando, Florida, facility for example, is a
28 true mixed-use building and used as a model to craft the proposed ordinance. Mr. Kane
29 explained that although all buildings appear different, the interiors are the same and the product
30 can be used in any environment. The greater the density of an area, the more uses there are for
31 such a facility. The product complements existing businesses because it affords an opportunity
32 for storage without the high cost of extra retail space. It also benefits residential users who may
33 have decreasing storage space.

34
35 (19:10:46) Mr. Kane showed an example of a storage office within a retail-oriented facility. The
36 office was presented as an inviting facility with helpful staff. Security measures in the building
37 include touch-pads for entrance into some hallways and elevators. Cameras record all persons
38 entering the site and continuously record digitally. Personnel are on-site to ensure locks are
39 secure and to monitor activity. The customer base is approximately half commercial and half
40 residential, with the residential users split between single-family homes and
41 apartment/condominium dwellers. The business office also accepts UPS and other package
42 service delivery for its clients. All spaces are climate controlled. The typical space features a
43 covered loading area with an automatic door. Some of their buildings feature a driveway
44 through the building for internal access. Many features are unique to urban center development
45 and were not offered in the past. The buildings are typically located on smaller parcels of land,

1 and, therefore, have increased in size vertically and become multi-story. Hallways are secure
2 and comfortable. There are call boxes conveniently located for assistance.

3
4 (19:15:01) Users demand that the product be closer to their locations. Mr. Kane explained that
5 this would assist the City by providing a service for existing businesses and provide a transition
6 zone between residential areas and busy streets. The facilities will provide a good revenue base
7 for property taxes without excessively taxing the City systems or increasing traffic.

8
9 Chair Nicholl opened the public hearing.

10
11 (19:16:14) Dick Jensen gave his address as 2086 LaCresta Drive. He asked where the proposed
12 self-storage facility would be located. Mr. Black explained that there currently is no proposed
13 exact location. The applicants requested that the use be added to the allowed uses in the Mixed-
14 Use Zone for future development. He explained that mixed-use properties are generally located
15 on Fort Union Boulevard and busier streets such as Highland Drive and 1300 East.

16
17 (19:17:01) Michelle Widener stated that the need for surveillance indicates that the business will
18 attract unsavory people to the neighborhood. She reported that there have already been four cars
19 stolen from her front yard. She did not want such a business in her neighborhood. Chair Nicholl
20 clarified that these types of facilities would not be located in a residential neighborhood. They
21 could potentially be located in the Mixed-Use Zone, which is more commercialized zoning than
22 residential neighborhood. Ms. Widener thought the use would attract more crime to the area.
23 Chair Nicholl commented that the security is for the facility itself. Mr. Black agreed and added
24 that most facilities now have security, even uses such as animal hospitals. He remarked that this
25 is part of the nature of any building. Commissioner Armstrong added that many residences now
26 have security as well.

27
28 (19:18:27) Danette Kennelly, a Greendale Road resident, was worried that the next step will be
29 to change a residential neighborhood to a mixed-use zoning. She thought it was misleading to
30 represent that the proposed business would not be in a residential neighborhood when the
31 possibility exists for such a zoning change. She suggested the mixed-use issue be addressed
32 before a decision is made on this item.

33
34 (19:19:14) Eric Felt gave his address as 7956 Willow Circle. He commented that the
35 development as presented is nice and not a typical self-storage facility. He inquired as to
36 whether the zoning change will open the use to all self-storage facilities or just this particular
37 type. Chair Nicholl explained that only the proposed format would be allowed.

38
39 (19:19:46) Bill Stevens, a LaCresta Drive resident, was concerned about the increase in
40 commercial development. He believed a precedent was set with the development on the UDOT
41 strip currently under construction. It will be a two-story building that will block the view and
42 will increase traffic on 2000 East. He was concerned that more retail development and more
43 traffic will be brought to the Highland area. Chair Nicholl clarified that the matter remains
44 undecided. Mr. Stevens reiterated that he does not want such development in the area. Chair
45 Nicholl added that the matter could be further addressed during the pertinent agenda item.

1 There were no further public comments. Chair Nicholl closed the public hearing.

2
3 Commissioner Rosevear suggested the item be scheduled for a decision. Mr. Black commented
4 that with regard to signage restrictions, he thought it would be better to make stricter signage
5 requirements for mixed-use self-storage. He explained that the City does not have specific
6 requirements for office buildings that are different than retail buildings. He added that a draft of
7 the requirements would be delivered to the Commission prior to it being scheduled for a
8 decision. Commissioner Rosevear commented that it would be a conditional use. Mr. Black
9 stated that a conditional use building could be proposed without signage. The signage could be
10 approved separately as a permitted use. Mr. Black stated that the signage regulations could be
11 completed within 30 days, or sooner if necessary. Chair Nicholl asked that the item be added to
12 the next meeting's agenda.

13
14 **3.2 The Planning Commission will hold a public hearing and receive comments on the**
15 **proposed amendments to the Foothill Recreational Zone F-20; Foothill Residential**
16 **Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-43;**
17 **Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15;**
18 **Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8;**
19 **Residential Single Family Zone R-1-6 zoning amendment. Modifying setbacks for**
20 **accessory structures and reevaluating the adopted list of permitted and conditional**
21 **uses.**

22
23 (19:22:48) Mr. Black presented the staff report and clarified that the item is a City-initiated
24 amendment. Uses are being removed from zones that are considered inconsistent or outdated.
25 Zones range from F-20, a 20-acre lot size down to R-1-6, which has a 6,000-square foot lot size
26 designation. All conditional and permitted uses are being considered for these zones. For
27 example, churches are listed as conditional uses in some zones but not in others. To address this
28 inconsistency, churches were added to other residential zones. Some zones allowed home
29 occupations as permitted uses while home daycare was listed as a conditional use. Therefore, all
30 daycares were changed to conditional uses. He explained that the changes are available for the
31 public to view. He noted that this is the second public hearing on the matter.

32
33 Chair Nicholl explained that the City was concerned with many of the permitted and conditional
34 uses in residential zones. As a result they were cleaned up to address various inconsistencies.
35 He stated that if there is a conditional use for which the Commission cannot find a compelling
36 argument to disallow, the use must be allowed.

37
38 Chair Nicholl opened the public hearing.

39
40 (19:25:53) An unidentified citizen inquired as to the location of the properties. Chair Nicholl
41 explained that the properties are located throughout the City. The citizen thought the location
42 would make a big difference as to how he feels about it. Mr. Black explained that every
43 residential property in the City would be affected. Approximately 60% of all residential
44 properties in the City are zoned R-1-8. Mr. Black read the changes to the R-1-8 zone for the
45 benefit of the public. He explained that the intent is to protect the character of the neighborhood
46 for the residents.

1
2 Chair Nicholl thought the citizen was confusing the last item discussed with this one. For
3 clarification, a zoning map was displayed. Commissioner Frost explained that the ordinances are
4 being made to be more consistent throughout the City. The citizen understood; however, he did
5 not understand where the particular properties are located.
6

7 (19:29:09) Mr. Black explained that the yellow area on the map displayed represents the R-1-8
8 zone. R-1-8 is a residential single-family zoning designation with a minimum lot size of 8,000
9 square feet, which is a lot measuring approximately 70 feet by 110 feet. It is a designation
10 covering most residential lots in the City. The proposed changes to the zone involve primarily a
11 change to the permitted uses. Today the only permitted uses are things that a property owner has
12 the right at any time to build. They include single-family dwellings and accessory buildings that
13 are customary to single-family dwellings, such as a shed or garage. The other permitted use is
14 home occupations. It includes such things as a home office, a hair salon, or a daycare. The
15 proposal would make home occupations conditional uses rather than permitted uses in the future.
16 To pursue a conditional use, an applicant must come to the City and request approval of the use.
17

18 Commissioner Haymore explained that conditions of approval protect against negative impacts
19 to the neighbors. The needs of the individual applicant are balanced against those of the
20 surrounding neighbors. Mr. Black further explained that it helps the neighbors by mitigating
21 potential detrimental effects that come about because of the use. In cases of conditional uses, the
22 applicant must present a proposal to the Planning Commission, and the public has the
23 opportunity to comment on such an application.
24

25 Conditional uses in the R-1-8 zone include churches. One proposed change is to add private and
26 non-profit recreational grounds associated with churches. This would mean that a church in the
27 neighborhood could contain facilities such as a ball field or picnic area. Bed and breakfast
28 facilities are currently a conditional use. Staff proposed removing them from the R-1-8 zone.
29 Another proposed change was to clarify that a home daycare/preschool is a home occupation.
30 They are currently listed separately. The amendments would list the two together for
31 consistency. A Planned Use Development (PUD), which is a residential development with
32 private streets, was listed as a conditional use that will remain according to the recommendation.
33 Private parks and recreational grounds are currently listed separately. Mr. Black explained that
34 this use would be moved to churches although a private non-profit recreational ground could also
35 be allowed that is unrelated to a church, such as a park that is part of a homeowners' association.
36

37 (19:33:24) Public and quasi-public uses such as libraries and pumping stations for water will
38 remain. Radio and television towers are proposed to be completely removed from the zone.
39 Temporary structures are proposed to be removed as they are covered in another chapter.
40 Mr. Black explained that temporary structures are buildings such as construction offices. Water
41 pumping plants and reservoirs are also proposed to be removed, because it is redundant to say
42 that public and quasi-public uses are allowed.
43

44 Mr. Black commented that wireless telecommunication towers will remain. He explained that
45 there is a strict conditional use process for these items as they are now being considered utilities
46 as more residents move away from the use of landline telephones.

1
2 Utility stations and lines, as allowed by applicable accessory regulations from Chapter 19.76,
3 will be removed because of redundancy issues. This would fall under the public and quasi-
4 public use category. Public schools will be removed as well. Mr. Black explained that there is
5 no need for them to be included since if there was a true need for a school in the area, the zoning
6 ordinance would not be applicable. He stated that home occupations are a redundancy that will
7 also be removed.

8
9 (19:36:06) Mr. Black then presented a map of the all zonings in the City and described the color-
10 coding. He explained that all areas not shaded represent the R-1-8 zone. Chair Nicholl added
11 that the majority of the City is in the R-1-8 zone. He clarified that all residential zoning
12 designations have been reviewed and the permitted and conditional uses have been cleaned up,
13 with many items being removed. The Commission wanted to ensure that those items that would
14 not fit in the areas be removed before further development of the City. These changes have been
15 applied for all parcels from F-20, the largest zoning of 20-acre parcels, down to R-1-6, the
16 smallest zone in the City. The citizen apologized for his question, but stated that his question
17 was still not answered if they were discussing the storage unit facility. Chair Nicholl and other
18 Commission Members clarified that they are not currently discussing the storage unit facility.
19 The citizen further stated that he did not understand how a decision could be made if they are
20 unaware of the location of the property. Chair Nicholl clarified that no decision will be made at
21 the current meeting. The citizen stated that he still did not understand.

22
23 Chair Nicholl explained that there are several different zones in the City, including residential,
24 commercial, and mixed-use, which is a blend of between residential and commercial. The
25 Mixed-Use zone is where the self-storage center is being considered, although without a specific
26 location. Chair Nicholl suggested that the citizen visit the website to examine the zone map, or
27 obtain a map from the Planning Department. Mr. Black explained that if the self-storage facility
28 does come to fruition and there is a proposed site, the application will appear before the
29 Commission again for specific site approval. Chair Nicholl explained that this would give the
30 citizen a chance to discuss the issue at that time. He added that at this time, the Commission is
31 merely deciding whether this type of use would be desirable within the Mixed-Use zone. If this
32 is allowed, then the applicants will have to return with the specific location and design of the
33 building and citizens will be able to comment on the proposal.

34
35 (19:41:33) There were no further public comments. Chair Nicholl closed the public hearing and
36 explained that the Commission will discuss this item in the action item section of the agenda.

37
38 **3.3 The Planning Commission will hold a public hearing and receive comments on the**
39 **land use map of the general plan for properties located on the west side of Highland**
40 **Drive between 1989 East Meadow Drive and 6876 South Highland Drive.**

41
42 (19:41:50) Chair Nicholl explained that this item is a public hearing issue and no decision would
43 be made tonight. City Planner, Greg Platt, presented the staff report and explained that the
44 Planning Department is in the process of a public scoping of the issue. They are seeking public
45 opinion as to whether or not such a change should be considered. The Planning Commission
46 will not be asked to decide this issue in the very near future. He further explained that an

1 applicant had originally requested a change to the General Plan in the area and the request was
2 brought to the Planning Commission at that time. The Commission decided that the entire area
3 needed to be considered and reviewed. Therefore, public opinion was now being sought. Other
4 stages such as data collection and traffic studies will be the next step in the process.

5
6 (19:45:01) Mr. Platt displayed a map showing the location of the subject properties. He
7 explained that most of the properties are currently residential homes, with the exception of a
8 dentist office, a church with parking lot, and a care center. He explained that staff has taken only
9 a cursory look at the property and is considering what changes, if any, should be made. Staff
10 considered medium-density residential, residential office, or neighborhood commercial land use
11 designations in the area. These have limited commercial potential, such as the existing dental
12 office. He reiterated that they are now seeking public comment to determine what the public
13 believes would be the best fit for the property. Mr. Black added that they would continue with
14 studies if public opinion warrants a change in the area. City Engineer, Brad Gilson, was present
15 to hear comments regarding traffic issues.

16
17 (19:47:49) Chair Nicholl stated that the property is located in the Gateway Zone and, therefore,
18 is of great concern to the Planning Commission. If any changes are made to the property, the
19 changes will be made properly and with a great deal of thought and care. He reiterated that it is
20 unknown whether a change would in fact be made. The Planning Commission will not act on the
21 applicant's proposal before extensive input. The item was discussed in the work session, and
22 many options were considered at that time. He also explained that the Planning Commission is a
23 recommending body and they do not make a permanent decision. The City Council will work
24 through the process as well.

25
26 Mr. Black explained that the issue has been changed to a broader dynamic view as a City-
27 initiated issue. For that reason no applicant was present to make a proposal at the meeting.

28
29 Chair Nicholl opened the public hearing.

30
31 (19:49:52) Joyce Felt gave her address 7156 South Willow Circle and explained that she spoke at
32 the previous meeting regarding this issue and will not duplicate her comments. She stated that
33 she and her husband recently purchased property immediately to the south of the dental office.
34 They would also like to construct a dental office at that location. She explained this would be a
35 small office, as her husband has a small practice downtown that they would like to relocate. She
36 is in favor of amending the General Plan to Neighborhood Commercial. She feels this is a
37 transitional area that is not as largely commercial as other zones. She obtained traffic counts
38 from UDOT, which she made available to the Commission. According to this data, between I-
39 215 and 7000 South, there were 51,190 cars in the location in 2006. Further south, traffic counts
40 reduce to 36,375. On Interstate 215, there are 85,390 cars. North of I-215, between I-215 and
41 6200 South, there are 51,010 cars. As this becomes the expressway, traffic reduces to 37,700
42 cars. On 7000 South, between 1300 East to Highland Drive, there are 27,320 cars.

43
44 (19:52:42) Mrs. Felt stated that this data shows that Highland Drive has almost double the traffic
45 of Fort Union. This is also a major interchange for the valley at this location. She researched the
46 subject properties for ownership and current use. Chair Nicholl explained to Mrs. Felt at this

1 time that public comments are limited to three minutes and apologized for not clarifying this.
2 Mrs. Felt continued to explain that 50 percent of the properties in the area are uses other than
3 single-family uses under the same ownership. Seven single-family homes are owned by the
4 same owner, four properties are vacant or in disrepair, including the property she and her
5 husband purchased. Three parcels are owned by the church, one of which was the elder care
6 facility that is now vacant. There is also a preschool in the area and three single-family homes
7 under different ownership that are investment properties. This indicates a ratio of 58% of the
8 properties that are other than single-family homes. She then explained that the County has told
9 her that an 80% reduction in tax revenues is given to those properties.

10
11 (19:54:39) Mrs. Felt believed that the property and the entire area is in transition to commercial.
12 She observed from her children attending the preschool that most traffic through the frontage
13 road returns to Highland Drive to I-215 or Fort Union and not onto LaCresta.

14
15 (19:55:49) Eric Felt gave his address as 7956 South Willow Circle and explained that he is the
16 husband of the previous speaker. He stated that this is a gateway property, and he believes the
17 most attractive property in the area is the dental office. He believes that the ideal situation for
18 the area would be new buildings that will buffer the residential neighborhood.

19
20 (19:56:41) Jack Serstins gave his address as 6814 South Highland Drive, which is one of the
21 subject properties. He stated that his biggest concern is that the property cannot be resold to a
22 family as a residence due to its proximity to the busy street. He believes that the properties will
23 become commercial eventually and property values will increase as a result.

24
25 (19:57:34) Jennifer Nielson gave her address as LaCresta Drive and inquired whether the
26 frontage road will remain or if it will eventually open up to Highland Drive. Chair Nicholl
27 explained that that was not known. Mrs. Nielson stated that she is concerned about the traffic
28 that uses LaCresta as a route from Highland to Fort Union. Chair Nicholl stated that this is a
29 major concern of the Commission as well.

30
31 (19:58:23) Steve Sharp stated that he would like a unified mix in the area rather than changing
32 the development in a piecemeal fashion. This is happening slowly and all the properties will
33 eventually become commercial. People cannot sell the properties in the area for residential use.
34 He added that his property has a variance. However, others are accepting lower sale prices than
35 other houses in the subdivision. Mr. Sharp stated that his property has been broken into several
36 times in the past five years and there had also been problems with homeless people in front
37 yards. His house is currently unoccupied, which is a further problem. He does not want to rent it
38 and it cannot be sold for an adequate price. He believes many people in the area would benefit
39 from the zone change.

40
41 (20:01:09) Mike Evans gave his address as 6671 South Village Road, which is located behind the
42 preschool in the subject area. He stated that a correction to the traffic data given by an earlier
43 speaker would be 2000 East, not Highland Drive. Chair Nicholl agreed that this would be 2000
44 East and clarified that further traffic studies would be done. Mr. Evans explained that he works
45 for UDOT and lives in the area. The issue is not only people that drive through the
46 neighborhood between Highland and Fort Union, but also those that come from I-215 and drive

1 over the curb and gutter, continuing through the neighborhood down Greenfield. He added that
2 when the preschool is in session, motorists cannot access the neighborhood that is blocked by the
3 preschool customers. Other members of the public agreed. Mr. Evans stated that this is a daily
4 occurrence. Chair Nicholl explained that this is of major concern of the Commission.

5
6 Commissioner Rosevear commented that the question before the public and the Commission at
7 this meeting is whether what is proposed should even be considered. She explained that one of
8 the options would be road closures to control traffic in the area. If traffic is the problem, the
9 issue can be addressed. Mr. Evans commented that one option would be to forbid a right-hand
10 turn on a red light at LaCresta. Commissioner Rosevear inquired whether a one-way street
11 would solve this problem. Mr. Evans stated this is a major exit from the neighborhood. The
12 traffic issues would need to be studied. He suggested a six-foot wall be built as a barrier
13 between Highland Drive and the residential properties in the area. Chair Nicholl explained that
14 this would be one possible solution. Commissioner Rosevear stated that this would need to be
15 studied in order to be considered as a viable option. She inquired as to whether such a study
16 should occur. Chair Nicholl reiterated that traffic is an issue the Commission is very concerned
17 about and will closely examine.

18
19 Mr. Evans further stated that another issue would be that if commercial development does occur,
20 it will reduce the value of those lots behind such buildings.

21
22 (20:05:25) Heather Stevens gave her address as LaCresta and stated that she was present at a
23 previous Commission Meeting where there was discussion of the building under construction in
24 the area. She was told she would receive an email regarding the next meeting for discussion of
25 that building; however, she never received the email. There was to be a traffic meter in the area
26 as well, which was never installed. Ms. Stevens believes the traffic has doubled since the 2006
27 statistical data due to apartment buildings and duplexes built in the area. Her taxes have
28 increased \$800 in the past year, and she is concerned about a further increase due to commercial
29 development. She stated that she is confused about whether the Commission is considered the
30 City Council or if there is another body. Chair Nicholl explained that the Planning Commission
31 is different than the City Council. The Council consists of the Mayor and other elected officials.
32 Commission Members are appointed. He explained that City Council Meetings are held in the
33 same venue as the Planning Commission on Tuesdays.

34
35 Ms. Stevens inquired as to whether any of the Commission Members live in the area.
36 Commissioner Frost explained that there was a Commission Member from the area who recently
37 left the Commission. Ms. Stevens believed that more businesses add more traffic and reduce the
38 property values for residential buildings. She reiterated that her concerns are traffic, taxes, and
39 lack of a traffic meter for the current development.

40
41 (20:08:31) Danette Kennelly a 37-year resident, prepared the following written statement:

42
43 "Cottonwood Heights was supposed to become its own City so that local residents would have
44 more control over things that happen in our community. I am a resident. I would like some
45 control over my community. Home ownership is one of the largest financial commitments most
46 families make. People purchase their homes for a number of reasons: Lifestyle, appeal of

1 surrounding community, and location, location, location. This change of zoning will affect
2 lifestyle, property values, and traffic congestion, to name a few, of the long-term problems this
3 will create. If you haven't been in the neighborhood, I suggest you drive through it. They will
4 funnel through on the road that comes off 7000 South down through LaCresta and make a
5 gigantic circle. They do it now after they leave the health food store, Great Harvest, and others.
6 It's already happening before we have any more commercial development. Zoning was created
7 to address these issues at the time the area is developed to assure the buyer that there will be a
8 known factor as to how the area would be managed, so the buyer could make an informed
9 decision before buying, so you knew what to expect in the future. If the motivation for the
10 proposed zone change is the collection of money from a tax base collected from businesses, let
11 me point out that there has been plenty of development of commercial property. Many of these
12 spaces are currently available. For example, redevelopment across Highland Drive, directly
13 north of LaCresta by the bank, new units on the rest of 23rd and 70th, space available in the
14 shopping center on the corner of 7000 and 23rd in the Rite Aid parking lot, space available in the
15 new shopping center built on 7000 north of Home Depot, new center being built near tracks on
16 7000 South, shopping area built on Highland at the bottom of a hill south of 7000. If your job is
17 to be my representative, I would like to be represented by you, recommending no zone change.
18 Keep it residential as zoned. And may I end with a suggestion? In the future, rather than making
19 choices based on the motivation of more, more, more, maybe the motivation should be enough."

20
21 (20:10:59) Molly Sparks gave her address as 6801 South Greendale Road and explained that she
22 just made an investment to upgrade the neighborhood. She believes the property values will
23 plummet as a result of the proposed change. She questioned whether Cottonwood Heights is
24 envisioned as a commercial environment or a place to raise children. Ms. Sparks believes that
25 the tax base trumps the quality of life for City residents, which will deteriorate as a result of
26 commercial build-out. She believes crime will increase, while residential and commercial values
27 will decrease. She is concerned that the build-out will cause a strain on police, fire, and
28 infrastructure expenses. The destruction of the value for residents outweighs the tax base benefit
29 to the City for this small area.

30
31 (20:12:56) Shane Beckman gave his address as 6705 Village Road and commented that while he
32 understands the position of those in favor of this change, he disagrees with some of the
33 statements. He feels the assumption that the change will happen eventually devalues the opinion
34 of the residents. Mr. Beckman also disagrees with the statement that the majority on Highland
35 Drive want the change and in fact, he believes the majority of the residents do not want the
36 zoning change. He is concerned with the traffic in the area speeding and running stop signs, and
37 believes that more businesses will compound the problem. He strongly encouraged the
38 Commission to explore the opinion of the majority, which would be to not move forward with
39 the zoning change.

40
41 (20:14:27) Ella Glassett gave her address as 6632 Highland Drive and stated that this is her first
42 appearance before the Commission. She lives on the corner of the subject area and agrees that
43 traffic comes from the freeway and travels down her street every day. She also agrees that a
44 family with children would not live in the homes. She believes a wall would create a more
45 residential feel. She further stated that the traffic nearly enters her yard at times. Chair Nicholl
46 reiterated that the Commission is aware of and very concerned about the traffic problems.

1
2 (20:15:36) Debbie Clark gave her address as 6635 Village Road and stated that it is a resale
3 problem. She agrees that the wall would help the resale value of the homes.
4

5 (20:15:57) Phil Brindle gave his address as 6690 Village Road and agreed with the previous
6 speaker regarding the wall. He added that he is unclear why the change is being proposed and
7 stated that he wishes to keep the neighborhood intact. A wall would be an option in the gateway
8 area, which could include some type of welcome message. He would like the area to remain
9 residential.
10

11 (20:16:39) Scott Nelson gave his address as 1969 Meadow Drive and commented how the City is
12 doing well to protect mountain view property from commercial encroachment, and thanked them
13 for their efforts. He was unsure why the west side of the neighborhood is well protected from
14 commercial encroachment, while the east side may face such development with this proposed
15 change.
16

17 (20:17:08) Marie Kennelly stated that when residents purchased their properties in this area, they
18 did not want more commercial development and there are ample commercial buildings. She
19 believes the dentist office is enough commercial development in the neighborhood.
20

21 (20:17:43) Sherri Detmeller gave her address as 6705 Village Road, right behind the subject
22 property. She owns two lots and has lived there for over 30 years, and maintains her house and
23 property. She does not want buildings in her backyard overlooking her yard and house. She
24 does not want the change.
25

26 (20:18:23) (name inaudible) gave her address as 6641 Village Road and commented that if a
27 dentist office would be put in her backyard, they would remove their deck because it would
28 render their backyard unusable. She would like to keep the area residential.
29

30 (20:18:57) An unidentified citizen explained that she owns three properties in the area at 1979,
31 1981, and 6746 Highland Drive. She stated that she does not want a wall on the street. She
32 believes the view is already blocked. She inquired whether the residents of Highland Drive will
33 be given a voice in whether a wall is constructed or not. Chair Nicholl explained that a wall is
34 not being discussed at this time and options are simply being explored. The citizen further asked
35 that should the option present itself, what input residents would have. Chair Nicholl answered
36 that there will be multiple meetings on the issue. Commissioner Haymore inquired as to whether
37 the citizen is living on the property. She confirmed that she is and that one property belongs to
38 her father.
39

40 (20:20:16) Christy Lewis did not give her address, but reported that her parent's house is directly
41 behind the daycare facility. She explained that they had to install a brick wall because of the
42 noise, which affected the view. The family has been in the house for 50 years. She explained
43 that it is a privacy issue and no more of this type of development is needed in the area.
44

45 (20:20:53) Darin Nielson gave his address as 1972 East LaCresta and commented that while the
46 homes are old, he takes pride in his home and maintains his yard. There are new homes under

1 construction that will encourage growth in the neighborhood. He believes that property values
2 have increased and will continue to do so, but he does not want the commercial use atmosphere.
3 He would prefer to see homes rebuilt in the area than commercial development, as there are
4 some unsightly, unkempt homes in the neighborhood. He appreciates that the dental office was
5 attractively designed. However, he would like it to remain a residential area. He added that he is
6 also concerned about traffic.

7
8 (20:22:51) An unidentified citizen commented that at the time of the dental office construction,
9 the zoning was single-family residences only. The office was constructed with a conditional use
10 permit. He added that it violates the frontage requirements on Highland Drive and LaCresta
11 because it is a three-story building, which was not approved with the conditional use. The home
12 next door belongs to his son, and his view is obstructed. He commented that although this
13 building is an infraction of the rules, it remains. Part of the problem is that this sets a precedent
14 for other builders in the area.

15
16 There were no further public comments. Chair Nicholl stated that the public hearing will remain
17 open and emails and phone calls to the Planning Department were welcomed. He remarked that
18 the City will be directed to obtain traffic studies and many options will be considered.

19
20 (08:25:02) Commissioner Haymore asked Mr. Black for the email address to which the public
21 should send comments. Mr. Platt suggested comments sent directly to him via email at
22 gplatt@cottonwoodheights.utah.gov. Business cards were made available to the public for the
23 mailing address. Mr. Black asked for clarification of the length of the public comment period.
24 Chair Nicholl stated that this item would remain open for comment for two weeks.

25
26 Commissioner Rosevear appreciated the time the public took to gather information for the
27 Commission. She appreciated both points of view in the matter, and realizes property values will
28 be affected. She further stated that something needs to be done about the traffic in the area, and
29 that a wall is a possibility. The height of commercial buildings needs to be considered as
30 compared with the residential in the area, as those buildings will have a view of the neighbors.
31 The noise issues also need to be addressed. She reiterated that she appreciates the comment and
32 the work done by the public. She supported keeping the item open as more research needs to be
33 done.

34
35 (20:27:32) Commissioner Frost was grateful to see citizens take an interest in the community and
36 remarked that this is the exception, not the norm. She appreciated the opportunity to
37 representing people who have a concern in the community and are responsive.

38
39 (20:28:10) Commissioner Bolyard stated that there are issues that need to be dealt with in this
40 area, such as homes that are not being maintained. There is no incentive for the owners to fix the
41 homes because they cannot be sold as single-family residences. If there was a change to
42 commercial, these properties could be sold. He further commented that incentives should be
43 considered for owner-occupant rehabilitation of existing homes, or construction of new homes.
44 He believes the wall would abate some noise and help with traffic issues. Chair Nicholl added
45 that traffic control can be discussed. However, incentives for owner occupants would fall under

1 the jurisdiction of the State Commission. Commissioner Bolyard agreed and added that
2 something needs to be done to help the neighborhood.

3
4 (20:29:46) Commissioner Haymore commented that residents buy their homes with the idea to
5 put down roots and raise their children, and want assurances of the future of the area. As time
6 passes, those dreams are changed. These changes are considered individually. However, with a
7 General Plan amendment, this changes the core of the issues. He does not believe it should be
8 considered lightly or brought to the table on a regular basis. For him, this item raised the issue of
9 a more predictable, deliberate approach to dealing with General Plan amendments on a regular
10 basis, so that neighbors do not have to fear that these changes could happen at any time. He
11 believes that this should be brought up on only an annual basis. Staff could present good studies
12 with which to decide such issues. Commissioner Haymore believes that this opportunity should
13 be used to refine the kinds of questions that require quantitative data to answer and perhaps the
14 frequency with which the General Plan is reconsidered should be made clear. While there may
15 be times when the General Plan needs to be changed, it should happen with order and regularity
16 when appropriate. He suggested setting a timetable for General Plan review. The City should
17 decide that the General Plan needs to be addressed, not a citizen who wants to build a specific
18 development. He believes comments made at this meeting could be addressed in advance if the
19 change were handled in an organized format. For example, there may be an area that is in need
20 of redevelopment funds in order to avoid a blight problem. He would like a proactive general
21 review of the General Plan which is deliberate and scheduled, where predictable questions are
22 already answered.

23
24 (20:34:50) Commissioner Keane agreed with Commissioner Haymore. While undecided on this
25 particular issue, he stated that he is leaning toward disapproving it because the Master Plan
26 affects the entire City. He was uncomfortable amending it one section at the time. He believed
27 it should be a deliberate review, either annually or every two years, where the entire Master Plan
28 is reviewed with consideration for the City as a whole. Chair Nicholl stated that he supports this
29 suggestion. He added that there is an issue before the Commission that must be addressed. He
30 believes that if there is a schedule set for addressing the General Plan, the Commission can plan
31 toward such a meeting so that all information is before the Commission and an informed
32 decision can be made. Commissioner Keane agreed.

33
34 (20:36:26) Commissioner Rosevear inquired as to whether such a General Plan review schedule
35 is permitted. Mr. Black stated that this can be done, and added that normally these are not done
36 more than twice a year, excepting the current year. A date can be set so that people can apply in
37 advance to be considered on the agenda. Chair Nicholl stated that this should be considered for
38 the next two weeks and be readdressed at the next meeting. The Commission operates on fact
39 and not emotion, and so the additional time to consider this option should be utilized by the
40 Commission. In answer to Mr. Black for clarification, Chair Nicholl stated that the possible
41 calendar for General Plan review would be discussed at the next meeting. Mr. Black explained
42 that in 30 days, staff could give an update to the Commission on discoveries and public comment
43 on the agenda item. Chair Nicholl clarified that a decision would not be made in two weeks, but
44 would be considered for quite some time.

1 (20:38:19) In answer to some citizens, Mr. Black explained that they could sign up on the City's
2 website to receive future Planning Commission agendas. Those without a computer could read
3 postings in the newspapers or visit the Whitmore Library, the Cottonwood Heights Recreational
4 Center, or City Hall to read the agendas. In addition, the City Hall will provide them with the
5 most current agenda at any time. There is also an information line given as 944-7000.
6 Newspapers are faxed the agenda on the Friday preceding the meeting. Chair Nicholl assured
7 the citizens that they will be informed of the agenda.

8
9 A citizen stated that she does not receive mail delivery at her home and would need to obtain
10 agenda information another way. Chair Nicholl explained that the Planning Commission has no
11 control over the postal service delivery. Mr. Platt then clarified that the information line given,
12 944-7000, is not the information line for the newspaper, but for the City. This number will reach
13 the front desk of the City, which will transfer you to the hotline. Commissioner Haymore
14 explained that the Planning Commission meets on the first and third Wednesdays of every month
15 at 7:00 p.m. Chair Nicholl thanked the citizens for their participation.

16 17 **4. ACTION ITEMS.**

18 **4.1 The Planning Commission will take action on the proposed amendments to the**
19 **Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill**
20 **Residential Zone F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone**
21 **RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-**
22 **1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6**
23 **zoning amendment. Amendments include modifying setbacks for accessory**
24 **structures and modifying the adopted list of permitted and conditional uses.**

25
26 (20:43:43) Mr. Black explained that this item is the same as that in item 3.2, for which a public
27 hearing was held earlier in the meeting. Staff recommended approval of the amendments and
28 asked for the Planning Commission's recommendation to the City Council. Chair Nicholl turned
29 the item over for discussion by the Commission.

30
31 (20:44:00) *Commissioner Haymore moved that the proposed amendments listed in item 4.1 be*
32 *approved. Commissioner Armstrong seconded the motion.*

33
34 Commissioner Haymore stated that there has been adequate discussion and consideration of the
35 issues. While there are some issues that he does not favor, he believes it is the best compromise
36 and he is ready to support the drafted language.

37
38 (20:44:47) *Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; Geoff Armstrong-Aye;*
39 *JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion*
40 *passed unanimously.*

41
42 **4.2 The Planning Commission will take action on the proposed amendments to Chapter**
43 **19.76, Supplementary and Qualifying Regulations.**

44
45 (20:44:57) Mr. Black explained that multiple public hearings have been held on this item, as well
46 as discussion during the work session. Staff recommended approval of the current draft.

1 Mr. Black pointed out that there are still some blanks in the draft. There is still an issue
2 regarding required distances from septic tanks. He believes this is a Health Department issue
3 that they are still investigating. He clarified that this will be finished before the draft goes before
4 the City Council.

5
6 (20:45:08) *Commissioner Frost moved to recommend approval of item 4.2, the proposed*
7 *amendments to Chapter 19.76, Supplementary and Qualifying Regulations with the caveat*
8 *they look at estate fences. Commissioner Keane seconded the motion.*
9

10 Commissioner Rosevear inquired whether a conditional use for an estate fence should be added
11 before the item is sent to the City Council or if it should go forward as written. Mr. Black
12 explained that some cities list specific roads where a front fence can be built; however, he
13 believes it is more a function of the size of lot than road location and questioned how big the lot
14 would need to be before it is considered an estate. Commissioner Rosevear suggested this be
15 one acre. Commissioner Frost added that the zone is irrelevant, as some are in R-1-8 zones.
16 Commissioner Haymore commented that he believes the item should move forward, provided
17 the estate fence issue can be revisited. Mr. Black confirmed that it can. Commissioner Haymore
18 further suggested that the item move forward and an agenda item be scheduled to examine the
19 estate fence issue. He agreed that particular street location is not an issue, as infill may occur
20 where a homeowner buys multiple lots. Mr. Black confirmed that this has begun, where two
21 homes are bought and one is put in its place or where two homes are connected into one.
22 Commissioner Haymore added that this is happening in his neighborhood, where a buyer is
23 purchasing multiple lots to be replaced by larger homes on larger lots.

24
25 (20:48:38) Commissioner Frost suggested an exception to the motion regarding fencing, in
26 particular estate fencing, that it will be addressed at a later date. Chair Nicholl clarified that the
27 ordinance needs to go before the City Council and is a recommendation to the Council.
28 Commissioner Haymore suggested the Planning Commission recommend that the City Council
29 examine the estate fencing component.

30
31 (20:49:22) Chair Nicholl explained that the motion was amended to include the caveat that the
32 City Council examine the issue of estate fences.

33
34 (20:49:48) *Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; Geoff Armstrong-Aye;*
35 *JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion*
36 *passed unanimously.*
37

38 **4.3 The Planning Commission will take action on a request by Jason Adams for a**
39 **conditional use permit for the Avalon Point Subdivision. The applicant is**
40 **requesting a Planned Unit Development located at 8420 South Wasatch Blvd.**
41

42 (20:49:58) Mr. Platt explained that a public hearing was held on this item on August 20, 2008.
43 Issues relevant to the PUD include that with a PUD, the City is able to place conditions on it that
44 would not be available in a standard subdivision. Staff believes benefits to the City would be
45 beautification along Wasatch Boulevard, that there would be a requirement for landscaping the
46 City could enforce, that there is a trail system which would be open to the public, connecting the

1 City's property on Danish through the subdivision and out to Wasatch, that the City would have
2 design control of the buildings such as maximum height and consistency, and that open space
3 would be provided, slightly more than required by the City for a PUD. Staff recommended
4 approval, which includes a density increase up to no greater than 17 lots. Mr. Platt added that a
5 standard subdivision could likely include 11 lots on the property.

6
7 Chair Nicholl commented that the discussion could likely go beyond 9:00 p.m. for this item.
8 Commissioner Armstrong suggested a motion to extend the meeting time should this occur.

9
10 (20:53:25) ***Commissioner Haymore moved that the item be tabled and the applicant given an***
11 ***opportunity to come forward with a lot density of less than 17. If they do not do so within two***
12 ***weeks, the current proposed PUD will be denied. Commissioners Rosevear seconded the***
13 ***motion.***

14
15 Commissioner Haymore explained that pursuant to the ordinance Chapter 19.78.020, Planned
16 Unit Developments going to the highest density allowed under the PUD ordinance are available
17 "only in the most meritorious situations in order to induce or reward efforts to achieve the
18 highest levels of positive contribution under the design, open space, and other community
19 enhancement aspects of this Chapter." Commissioner Haymore added that it is not his personal
20 opinion that the PUD as proposed meets that standard. He believes the surrounding community
21 is similar to R-1-10, about 10,000-square foot lots, and that is what is consistent in the area. He
22 commented that there are meritorious aspects of the design plan, including the beautification of
23 Wasatch and the open space trail. However, this proposal includes nearly a 50% density
24 increase, which is significant. He does not believe that public walkways in front of the lots have
25 been presented in this proposal. There are negative effects to the surrounding community that
26 Commissioner Haymore does not believe have been or can be mitigated at the proposed density.
27 He believes these effects could be mitigated with fewer units and the number of units currently
28 available is more consistent with the surrounding community. He summarized that the PUD as
29 proposed does not meet the standards of the PUD statute and does not adequately mitigate
30 negative results on the surrounding community. He believes a 10% to 20 % upgrade in density
31 would be more consistent with the community. Commissioners Rosevear and Frost concurred.
32 Commissioner Keane agreed and stated that he also opposes the 17 units and would have to see a
33 lower proposal.

34
35 (20:58:14) Commissioner Haymore clarified that the reason he wanted a plan in this instance is
36 that this item is different. In other instances before the Commission at this meeting, they have
37 been asked to look at zone issues, which is not a specific project such as this item. The planning
38 and zoning structure gives the opportunity to look at such plans in this instance. He believes
39 actually seeing the plan is appropriate in this case. Chair Nicholl thanked Commissioner
40 Haymore for addressing the issue.

41
42 Mr. Black stated that the applicant was indicating to him that he would like to address the
43 Commission, and inquired whether the Commission would allow such a comment. Chair
44 Nicholl explained that he does not want to open the issue to a lengthy public discussion, but
45 would allow the applicant to address the Commission for a period of three minutes.

1 (21:00:14) The applicant, Jason Adams, explained that they have attempted to incorporate
2 comments from the last meeting to make the development more consistent with the zone. The
3 surrounding zone is R-1-8, and setbacks have been adjusted along all perimeter properties to be
4 consistent with the zone. Therefore, the neighbors will be afforded the exact setback that would
5 occur in a standard subdivision. The PUD will give a smaller home visibility from neighboring
6 homes. The reduction of lots will not reduce the number of homes they can see from their
7 backyard. Each yard lines up with one house. Commissioner Haymore asked for clarification,
8 as it appears that this is not the case on the corner. Mr. Adams agreed that in one instance this is
9 correct. He added that they have increased the amount of trees that will be planted along the
10 perimeter, which would make a better view for the neighbors than a standard subdivision. A
11 standard subdivision would allow for a larger, taller house, located closer to the access street.
12 The amount of parking space for the homes was increased per the recommendation of the
13 Architectural Review Committee to reduce sidewalk obstructions. The planned houses are more
14 conservative-looking, with better access.

15
16 Mr. Adams explained that the other public benefit is the trail system. There is currently no
17 access between Danish Road and Wasatch Boulevard, and he believes this will be well-utilized
18 by the neighbors. The open space is open and green with no pavement, and the entire
19 community can enjoy the trail. Benches and trees will be added along Wasatch Boulevard.

20
21 (21:03:44) Chair Nicholl explained that action will be delayed for two weeks and requested that
22 the applicant send a summation of his comments to Mr. Black, who will forward them to the
23 Commission Members for review. Mr. Adams added that it is difficult to assess the detriment to
24 the community expressed by the Commission without specifics. Chair Nicholl instructed the
25 Planning Commission to send written concerns to Mr. Black within a week. Commissioner
26 Rosevear stated that this was included in the motion. Commissioner Haymore stated that there
27 are procedural issues for handling these types of issues outside of an open meeting. Chair
28 Nicholl clarified that they will be handled at an open meeting in two weeks. Commissioner
29 Haymore clarified that his motion would not bring the issue back unless there is a new
30 application that reduces the number of units from 17 to a lower density. If an application is not
31 received, the motion includes a denial. Commissioner Rosevear confirmed that that was her
32 understanding in seconding the motion.

33
34 Mr. Black commented that Commissioner Haymore identified a detrimental effect that is
35 insufficiently mitigated, which is the reason for denial unless the plan is changed to fewer units.
36 Otherwise, the item would not come back before the Commission. Mr. Adams stated that he is
37 unclear what the detrimental effect is. Commissioner Haymore clarified that he believes the
38 density is higher than the surrounding community to the point that it does not meet the standard
39 for that much extra density, pursuant to the statute. He added that it does not provide for
40 mitigation to the surrounding neighbors. Seventeen units is a significant number packed into a
41 tight space. He did not believe that was consistent with the surrounding community and it will
42 change that community in a way that has not been addressed. He believed the only way to
43 address the concern is with fewer units.

(21:06:48) Commissioner Frost agreed that the intent to change the dynamics of the neighborhood is of concern, and the density numbers are an issue. She believed the mitigated trade-off does not outweigh the intensity connected to the surrounding neighborhood.

(21:07:19) *Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; Geoff Armstrong-Aye; JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl- Abstained. The motion passed unanimously with one abstention.*

5. DISCUSSION ITEMS.

5.1 There are no discussion items on the agenda.

6. PLANNING DIRECTOR'S REPORT.

There was no Planning Director's report.

7. APPROVAL OF MINUTES

7.1 April 16, 2008

7.2 May 21, 2008

7.3 June 4, 2008

7.4 August 20, 2008

7.5 September 3, 2008

(21:07:56) Commissioner Haymore stated that he saw no changes required for the minutes and was in favor of approval. Commissioner Rosevear inquired as to whether blanks had been filled. It was confirmed that they had not. Commissioner Rosevear stated that she would rather approve them with blanks than try to determine who made the statements. Mr. Black explained that the blanks would be changed to read, "a Commissioner said."

(21:08:28) *Commissioner Rosevear moved to approve minutes for April 16, 2008, May 21, 2008, June 4, 2008, August 20, 2008, and September 3, 2008, pursuant to the staff report and with the following amendment: Wherever there is a blank in the minutes, this will be replaced by, "a Commissioner." Commissioner Haymore seconded the motion. Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; Geoff Armstrong-Aye; JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion passed unanimously.*

8. ADJOURNMENT.

(21:09:15) *Commissioner Rosevear moved to adjourn. Commissioner Bolyard seconded the motion. Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; Geoff Armstrong-Aye; JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion was passed unanimously.*

The Planning Commission Meeting adjourned at 9:10 p.m.

1
2 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
3 *Cottonwood Heights City Planning Commission meeting held Wednesday, September 17, 2008.*
4
5
6

7 
8
9

10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13

14
15 Minutes approved:

DRAFT